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LAWS OF NATURE,

THE

FOUNDATION OF MORALS.

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BY DAVID ROWLAND,

AUTHOR OF 'A MANUAL OF THE ENGLISH CONSTITUTION'.

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PREFACE.

THE title of this book will disclose its design to those acquainted with the history of Moral Philosophy; but it may be necessary to explain to others that it does not indicate a treatise on practical morality. My attempt is to find the elementary principles from which morality springs, and by which the practice of it is enforced upon mankind.

The inquiry is prosecuted by the method of inductive reasoning; its arguments, therefore, are derived from facts and experience, and not from erudition. I rely for such interest as it may excite, on the novelty of the mode of investigation, and on its inductive results. The latter appear to me to be sufficiently interesting and even important, as elucidating the Science of Morals, to justify the submission of them to the consideration of philosophers. The mode of in-

vestigation was suggested by Lord Bacon, who advised moral philosophers, before they came to any conclusions, to consult with Nature, or with the nature of things.

I have not put forward a hasty, although it may be an imperfect performance. The inquiry was begun in a little book published in 1856,* in which I sought to prove by inductive reasoning, what are the human causes of moral evil. That being a branch of the more extended subject of the present inquiry, some portions of that book are introduced into this, in order to present the argument entire.

* "*An Inquiry concerning the Principles in the Constitution of Human Nature, which are the Causes of Moral Evil.* By a Layman. Rivingtons, 1856.

SYDENHAM, *November* 1863.

CONTENTS.

INTRODUCTION.

PAGE

Distinction between the Stoic and Epicurean Systems of Moral Philosophy—Sketch of Modern Systems—Moral Laws of Nature as given in the Works of Grotius, Hobbes, Cumberland, and Whewell—Independent Morality in Butler, and Utility in Hume, Paley, Bentham, Austin, and John Stuart Mill 1

PART I.

THE ANIMAL NATURE.

CHAPTER I.

Analysis and Comparison of the Animal and Mental Constitution of Man and Brutes—Social and Moral System on the Earth coeval with Man . . 47

CHAPTER II.

Rise of Human Institutions from the Animal Nature of Man—viz., Labour, Property, and Families as

PAGE

primary Institutions; and Trade, Manufactures, Money, and Government, as Accessory Institutions. —Analysis of Property, and Criterion of its value . 57

CHAPTER III.

Moral Laws of Nature—The Moral Law of Nature for the protection of Labour and the Institution of Property 71

CHAPTER IV.

Moral Law of Nature for the Institution of Marriage, and for the raising and protection of Families . . 80

CHAPTER V.

Moral Laws of Nature for the protection of Human Life, and for the production of Truth 87

CHAPTER VI.

Analysis of Moral Evil—Moral Evil the Effect of Disobedience to the Moral Laws of Nature . . . 93

CHAPTER VII.

Analysis of the Passions — The Passions not Original Causes of Moral Evil, but only Stimulants to Disobedience to the Moral Laws of Nature 103

CHAPTER VIII.

Demonstration of the existence of the Moral Laws of Nature, from their being the Ultimate Principles of

PAGE

Government and of Jurisprudence, and of the Moral Rights and Duties of Mankind 109

CHAPTER IX.

Axioms of Nature, Corollaries from the Moral Laws of Nature—The Free Agency and Natural Equality of Men 125

PART II.

THE MENTAL NATURE.

CHAPTER I.

The Nature and Office of Reason in relation to Morality, and the Effect of its Action on the Religious, Moral, and Social Condition of Man 133

CHAPTER II.

The Benevolent Affections, their Source and Office; and the Mode and Extent of their Moral Obligation regarding Men as Individuals and as Society . 147

CHAPTER III.

The Origin and Office of the Mental Self-Affections . 159

CHAPTER IV.

The Moral Sentiments, their Origin and Office . . 163

CHAPTER V.

PAGE

The Conscience 169

CHAPTER VI.

On the Support which the Induction receives from the Authority of the Bible 190

INTRODUCTION.

Distinction between the Stoic and Epicurean systems of Moral Philosophy—Sketch of Modern systems—Moral laws of Nature as given in the works of Grotius, Hobbes, Cumberland, and Whewell—Independent Morality in Butler; and Utility in Hume, Paley, Bentham, Austin, and John Stuart Mill.

"WHAT is the foundation of Morals?" is a question still undetermined, although it has been the subject of speculation and controversy from the days of Plato and Aristotle. Two rival systems of Ethics, originating in the Stoic and Epicurean schools, still keep up the essential distinction of those ancient philosophies; that, according to the former, morality is based upon natural principles implanted in man by his Creator; that according to the latter, it was deduced by men from their observation and experience of what is useful to society, or of what tends to the promotion of general happiness. This distinction was expressed by the ancient philosophers as implying that, according to one system, the laws of morality are "natural and immutable;" that according to the other, "nothing is good or evil naturally

and immutably;" moral laws being "positive, arbitrary, and factitious, and changeable as human laws;" or, as expressed by Epicurus, "there is no such thing as justice by itself, but only in the mutual congresses of men, wheresoever they have entered into covenant not to hurt one another."*

The Stoic and Epicurean systems separate broadly into divine and human. The modern successors of the Stoics acknowledge the divine origin of morality, without seeking to show that it had an earlier existence than in Revelation. The modern successors of the Epicureans, with full confidence in their theory of Utility, continue to deny morality to be divine; and they ascribe its origin to men. Yet it would seem reasonable to hope that inquiry might trace the distinction between good and evil, right and wrong, to principles existing in human nature, and independent both of Revelation and of the causation of men; for it is in the highest degree conceivable, *à priori*, that when God placed mankind on the earth, He instituted laws for their moral government and guidance;—laws having relation to man's nature and mundane condition, and suited to the accomplishment of the purposes of his existence. Physical science has discovered that the works of God apparent in creation, are regulated by internal and self-acting laws

* See Cudworth's *Treatise on Eternal and Immutable Morality*, who has quoted largely from the ancient moralists.

proportioned to the vastness or minuteness of their objects; and it would almost seem to be an imperfection, if man, the noblest work of God, be not guided in his moral course by laws internal in his own nature.

I have ventured to enter into that inquiry, proceeding according to the direction of Bacon, by consulting with nature, or with the nature of things;* which is, I conceive, to analyze man's nature and his mundane condition, to distinguish the constituent principles of his body and of his mind, to observe their influences whether in unison with, or in opposition to each other, on man's actions and conduct; and from the results of the analysis to infer the moral laws to which, by nature, man is subject.

In prosecuting this inquiry it is unavoidable that the facts and the arguments should be compared with those by which existing systems of moral philosophy are supported. There can be but one true moral system, or one true foundation of a system; and that which is true must not only explain and interpret all the phenomena of moral action, but must also disprove the facts,

* "If philosophers before they had come to the popular and received notions of virtue and vice, pleasure and pain, and the rest, had stayed a little longer upon the roots of good and evil, and the strings of those roots; they had given, in my opinion, a good light to those questions which followed; and especially if they had consulted with the nature of things, as well as moral axioms, they had made their doctrines less prolix and more profound."—The *De Augmentis*, 7th Book. Bacon's *Works*, Spedding's Edition, vol. v. p. 6.

or at least the reasoning, by which other systems inconsistent with it are upheld. I shall, therefore, introduce my inquiry by a slight review of the works of some of the most eminent writers, who are received as authorities in Moral Philosophy;—1st, Those writers who have placed Moral Philosophy on the basis of laws of nature; 2d, Those who support the system of "Immutable or Independent Morality;" and, 3d, Those who have written in support of "Utility:" keeping in view, especially in reference to the two latter systems, the basis on which my inquiry proceeds—the existence of moral laws of nature; and examining those systems on their own facts and reasoning, and as they are opposed to or support that hypothesis.

I. LAWS OF NATURE.

GROTIUS.

Systems of Moral Philosophy founded expressly on laws of nature have been few; and there is none with any authority at the present day. In the history of Moral Philosophy many writers appear who desired to place it on a divine foundation, which they sought to find in laws of nature, as the voice of God, but who did not reduce them into system. After the revival of letters, and the abandonment of the scholastic philosophy

of the middle ages, GROTIUS published his great work on Peace and War;* and although its subject is not Moral Philosophy but the law of nations, he conceived the idea of immutable laws as the foundation of morality; alleging that "even in war, although the laws of civil life and public tribunals be silent, yet not such laws as are eternal, immutable laws of nature." In the Prolegomena to his work he stated the principles of natural law, which he afterwards embodied in his theories of international law.

Grotius did not constitute a system, nor evolve a code of natural law. He laid down theorems of natural law, but without tracing them to their sources in human nature; and he shewed the moral principles, or some of them, by which human conduct should be governed. He founded "natural law on the knowledge which enables men to act similarly in similar cases, and with it a peculiar appetite for society; and, as an instrument of that desire, language, given to man, alone of all animals. Having these, it is reasonable to assume that he has a faculty of knowing and acting according to general principles; and such tendencies as agree with that faculty do not belong to all animals, but are peculiar attributes of human nature.

"This tendency to the conservation of society, which

Groot, H. de, *De Jure belli et pacis*, 1625—Dr. Whewell's translation—Prolegomena, or preliminary remarks.

is in agreement with the nature of the human intellect, is the source of JUS, or natural law, properly so called. To Jus belongs the rule of abstaining from what belongs to other persons; and if we have in our possession any thing belonging to another, the restitution of it or of any gain which we have made from it; the fulfilling of promises, and the reparation of damage done by fault; and the recognition of certain things as meriting punishment among men.

"From this signification has flowed another large sense of Jus; for, inasmuch as man is superior to other animals, not only in the social impulse spoken of, but in his judgment and power of estimating advantages and disadvantages; and, in these, not only present good and ill, but also future good and ill, and what may lead to each; we may understand that it is congruous to human nature to follow in such matters a judgment rightly framed; not to be misled by fear, or the temptation of present pleasure; not to be carried away by blind and thoughtless impulse, and that which is plainly repugnant to such judgment is also contrary to Jus, that is, to Natural Human Law.

"In this exercise of judgment pertains a reasonable and thoughtful assignment, to each individual and each body of men, of the things which peculiarly belong to them—as the preference, in some cases, of the wiser man to the less wise; of our neighbour to a stranger, or

a poor man to a rich man. But this, although it has been treated as part of Jus, yet Jus properly so called is very different in its nature, and has for its special office, to leave to another what is his, and to give him what we owe.

"Another origin of Jus is the free-will of God, to which our reason irresistibly tells us, we are bound to submit ourselves. But natural law, whether it be of that kind which binds together communities, or that looser kind which regulates preferences, although they proceed from the internal principles of man, may yet be rightly ascribed to God, because it was by His will that such principles came to exist in us."

HOBBES.

Hobbes' works on Ethics were nearly cotemporary with the work of Grotius, but nothing can be more opposite than the principles on which these philosophers founded their respective moral theories. Hobbes* deduced laws of nature from his principles, rather than founded his principles on natural laws. His system is familiarly known as the selfish system, and very slight notice of it is required here. His fundamental principle is, that "during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is

* *Leviathan*, by Thomas Hobbes of Malmesbury, 1651.

of every man against every man—not that war consists in actual fighting, but in the known disposition thereto." This being the natural state of man, "the desires and other passions of man are in themselves no sin. No more are the actions that proceed from those passions till they know a law that forbids them; which till laws be made they cannot know; nor can any law be made, till they have agreed upon the person that shall make it." This law is supplied by human government, and where government does not exist, "the consequence of the natural state of war is, that nothing can be unjust. The notions of right and wrong, justice and injustice, have there no place. Where there is no common power, there is no law: where no law, no injustice. Force and fraud are in war the two cardinal virtues. Justice and injustice are none of the faculties, neither of body nor mind. If they were, they might be in a man that were alone in the world, as well as his senses and passions. They are qualities that relate to men in society, not in solitude. It is consequent also on the same condition, that there be no property, no dominion, no *mine* and *thine* distinct; but only that to be every man's that he can get, and for so long as he can keep it.

"Men are inclined to peace by fear of death, by desire of such things as are necessary to commodious living, and by a hope of industry to attain them. Reason

suggests articles of the peace, which are called Laws of Nature. The fundamental law of nature derived from reason is, 'To seek peace and follow it.' The second, the sum of the right of nature, is, 'By all means we can to defend ourselves.'"

From this fundamental law of nature he derived this further law:—"That a man be willing when others are so too, as far-forth as for peace and for the defence of himself he shall think necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himself. This (according to his interpretation) is that law of the Gospel, 'Whatsoever you require that others should do to you, that do ye to them.' And that law of all men, *Quod tibi fieri non vis, alteri ne feceris.*

"When the civil power is constituted in a Commonwealth, then the principles of justice begin to take effect; and to sustain these Hobbes laid down numerous other laws of nature—against injustice, ingratitude, pride, iniquity, and the like; and the science of these, he said, is the true and only Moral Philosophy; for moral philosophy is nothing else but the science of what is good and evil in the conversation and society of mankind."*

CUMBERLAND.

Hobbes' theory was in utter opposition to the moral

* *Idem*, chap. xv.

and religious feelings of men of devout minds; and many writers came forward to controvert it. Richard Cumberland, afterwards Bishop of Peterborough, wrote a treatise expressly to refute the philosophy of Hobbes, and to construct a moral system on Laws of Nature.* Cumberland began his work with a definition of laws of nature, directed against all the leading points of Hobbes' system. He defined laws of nature to be "certain propositions of unchangeable truth which direct our voluntary actions about choosing good and refusing evil; and impose an obligation to external actions, even without civil laws, and laying aside all consideration of those compacts which constitute civil government.

"There is one proposition (he wrote) the fountain of all Nature's laws, which general proposition is this. The greatest benevolence of every rational agent towards all, forms the happiest state of every, and of all the benevolent, so far as it is in their power: and is necessarily requisite to the happiest state which they can attain, and therefore the common good is the supreme law. All the laws of nature are summed up in benevolence or universal love."

From the law which commands an endeavour to promote the common good, Cumberland deduced the

De Legibus Naturæ Disquisitio Philosophica, 1672. Translated from the Latin into English by John Maxwell in 1777.

original of meum and tuum, of property and dominion. He shewed what actions are commanded and what permitted to individuals. He laid down the following as the principal laws of nature :—

1. To abstain from hurting any innocent person, and reparation of injuries.

2. Liberality in making and faithfully performing promises and compacts. All should study their own preservation, and the improvement of their minds, with all useful knowledge and virtue, and to preserve the life, health, and chastity of their bodies.

3. Men should provide for their families and offspring.

4. Every one should study to make himself acceptable to others by all acts of humanity.

Cumberland's work has long ceased to have any direct authority in ethical science. According to Mr. Hallam's criticism of it, instead of affording support to independent morality, it became "the basis of the system afterwards taught in our universities, and of the books which have had most influence in this country. Hutcheson, Law, Paley, Priestley, Bentham, belong, no doubt some of them unconsciously, to the school founded by Cumberland."*

With Cumberland's work the endeavour seems to have terminated of tracing morality directly to laws of nature as its foundation. When I think of my own

* *Literature of Europe*, vol. iii. p. 397.

attempt, I am humbled by a general sense of my own incapacity, but encouraged by the feeling that I am engaged in the pursuit of truth, and that what I shall submit to the consideration of my readers is not a servile imitation of what has before been proposed, and has failed. I have deeply considered what a distinguished philosopher has said is required and expected from one who undertakes to prove the immutability of moral distinctions:—"It may be well proved, we may suppose, that *all truth* is independent and immutable; but we want a great deal more to satisfy us that *moral distinctions* are independent and immutable. We require a detailed application of the general reasonings to the particular case. If it be so we would know *how* it is so:—what form the demonstration assumes when we use the terms of the proposition we would establish; how the difficulties and obscurities which seem to hang about it are affected by the demonstration. Men will not be satisfied that there is an adamantine chain, except we can shew them the links of which it consists. They will not believe that moral ideas are determined by eternal laws, except we shew them what these laws are, just as they would not believe that the motions of the planets are governed by fixed laws, till these laws were discovered and stated." *

Dr. Whewell, *History of Moral Philosophy*, edit. 1862, p. 86.

II. IMMUTABLE OR INDEPENDENT MORALITY.

BUTLER.

Before the modern doctrine of Utility had taken its position and marshalled its strength, Butler, stimulated by feelings of opposition to the selfish system propounded by Hobbes, wrote and published his celebrated works. These, after the lapse of more than a century, were adopted by the Universities of Oxford and Cambridge, where they superseded the work of the philosopher of Utility, Paley, long the text-book there in moral philosophy. These works* stand pre-eminent as the supporters of independent morality. I do not write to oppose the principles of Butler's philosophy: a theory which traces morality to Divine origin will readily associate itself with Butler's doctrines.

Maintaining that morality is instituted by the Deity, Butler founded his philosophy on the preponderance of good in human nature, which he expressed by declaring that "virtue is the natural law we are born under." But its chief characteristic is the very exalted and almost transcendental authority ascribed to conscience,

* *Fifteen Sermons on Human Nature*, 1726. *Analogy of Religion, Natural and Revealed, to the Constitution and Course of Nature*, 1736.

which he placed as the highest principle in human nature, whose office is to control and overrule all other and inferior principles. He has, however, left his followers in considerable doubt whether he considered the conscience to be a separate faculty or moral sense apart from the reason; or, as Locke described it, "our own opinion or judgment of the moral rectitude or pravity of our own actions."* Butler bestows upon conscience great variety of language and expression to indicate its supremacy and enforce its authority, and he has thus given countenance to the opinion that he considered it to be a separate faculty; whilst there are other passages in his works, descriptive of the action of the mind in its deliberations on what passes within itself, from which it may with some confidence be concluded that he held conscience or reflection to be an operation of the reason, and not of a separate and peculiar faculty.†

* *An Essay concerning Human Understanding*, book I. chap. iii. sec. 8.

† Mackintosh came to the conclusion that Butler supported the theory of a distinct moral faculty. "Butler and Hutcheson coincided in the two important positions, that disinterested affections and a distinct moral faculty are essential parts of human nature." "Hutcheson, who had a steadier, if not a clearer view, of the nature of conscience than Butler, calls it 'a moral sense.'"—*Ethical Dissertation*, Art. Hutcheson. On the other hand, Dr. Whewell is of opinion that "Butler did not hold an original and independent faculty of conscience whose decisions were to be accepted as rules of right action. With

But if Butler did not hold conscience to be a separate faculty apart from the reason, there can be no doubt that in his view it was in constant action, and that its only insufficiency to be "our governor, to direct and regulate all our under principles, passions, and motives of action," arose from its defective power; for he declared that "had it strength as it has right, had it power as it has manifest authority, it would absolutely govern the world."

To the theory of the existence of natural moral laws in the human heart, Butler gave no direct support. When commenting upon the words of St. Paul, that "the Gentiles are a law to themselves which shew the work of the law written in their hearts," he admitted and enforced the theory as a doctrine of Christianity, but as a philosopher he evaded it. He interpreted "the law written in the heart," to be "the natural disposition to kindness and compassion, to do what is of good report, to which this apostle often refers; that part of the nature of man which, with very little reflection and of course, leads him to society, and by means of which he naturally acts a just and good part in it, unless other passions or interest lead him astray."*

him conscience is a faculty, if you choose, but a faculty as reason is a faculty. . . . Conscience, indeed, is the reason."—*Preface to Butler's three Sermons on Human Nature.*

* *Sermon II., on Human Nature.*

That interpretation does not sustain the theory that the Code of Sinai is in the hearts of all the human race.

Butler constructed his system by an inquiry into human nature. That inquiry he conducted by investigating "as a matter of fact what the particular nature of man is, its several parts, their economy or constitution, from whence to determine what course of life it is which is correspondent to his whole nature; and that method he preferred to the other, which begins from inquiring into the abstract relations of things. But he did not carry his inquiry into the whole nature of man. He analyzed the psychical portion of the human constitution, but he left the physical nature quite unexplored.* He recognized in the former (as previous philosophers had done) natural principles or affections, which lead man to virtue and to the good of his fellow-creatures. I shall, in the second part of this work, advert to his analysis of the principle of benevolence and its kindred affections implanted in the human mind, and to his

* "It is a considerable defect, though perhaps unavoidable in a sermon, that he (Butler) omits all inquiry into the nature and origin of the private appetites which first appear in human nature."—Sir James Mackintosh, *Dissertation on Progress of Ethical Philosophy*, section Butler. Butler did not perceive the important part which the appetite of hunger takes in human affairs. "Hunger," he said, "is to be considered as a private appetite, because the end for which it was given is the preservation of the individual. The object and end of hunger is merely food."—*Sermon I.*, upon Human Nature, Note.

description of the modes in which they affect and influence the conduct of men. "These," he observes, "lead man to actions tending directly to the good of society, whilst disinterested self-love leads him to do good to himself and his family." Butler's summary of his inquiry into human nature is, that "reasonable self-love and conscience are the chief or superior principles in the nature of man."

III. MODERN EPICUREAN SCHOOL, OR UTILITY.

HUME.

No system of Ethics can be more opposed to moral laws of nature than that of Utility. Its theory is, that morality is the product of men, through observation and experience of that which is useful, or which gives pleasure and avoids pain; and thus the idea is excluded, that moral laws proceed from God, or from His interposition through the operation of nature.

Hume stands at the head of the modern school of Utility; and to him must be given the merit of philosophically carrying out the principles of his system, to their full consequences, without disguise. In his inquiry concerning the principles of morals,* he sought to dis-

* "*Enquiry concerning the General Principles of Morals.*"—Hume's Essays, vol. ii., 1777.

cover their true origin, and he found that "the rules of equity and justice depend entirely on the state and condition in which men are placed, and owe their origin and existence to the utility which results to the public from their strict and regular observance." Public utility he declared to be the sole origin of justice, of property, and of fidelity to the marriage-bed.* What other reason could writers ever give, why this must be *mine* and that *yours;* since uninstructed nature, surely, never made any such distinction? In all determinations of morality, the circumstance of public utility is ever principally in view; and wherever disputes arise, either in philosophy or common life, concerning the bounds of duty, the question cannot by any means be decided with greater certainty, than by ascertaining, on any side, the true interests of mankind.

He recognised no moral principles derived from nature: he ridiculed writers on laws of nature, "who, whatever principles they set out with, are sure to terminate in utility at last; and to assign, as the ultimate reason for every rule which they establish, the convenience and necessities of mankind." Repudiating natural morality, he denied that morality is immut-

* "The long and helpless infancy of man requires the combination of parents for the subsistence of their young; and that combination requires the virtue of chastity, or fidelity to the marriage-bed. Without such a utility, it will readily be owned, that such a virtue would never have been thought of."—*Essays*, vol. ii. p. 255.

able; so that, "when further experience and sounder reasoning have given us juster notions of human affairs, we retract our first sentiment, and adjust anew the boundaries of moral good and evil."

PALEY.

Paley raised his system of philosophy on the theory of Utility.* Adopting as a fundamental rule, that what promotes the general happiness is required by the will of God, he said that, "to inquire what is our duty, or what we are obliged to do, in any instance, is in effect to inquire what is the will of God in that instance; which, consequently, becomes the whole business of morality. There are two methods of coming at the will of God—I. By His express declarations, when they are to be had, and which must be sought for in Scripture; II. By what we can discover of His designs and dispositions, from His works; or, as we usually call it, the light of nature. . . . The method of coming at the will of God concerning any action, by the light of nature, is to inquire into 'the tendency of the action to promote or diminish the general happiness.' This rule proceeds upon the presumption that God Almighty wills and wishes the happiness of His creatures; and, conse-

* *The Principles of Moral and Political Philosophy*, by Wm. Paley, D.D., 1785.

quently, that those actions which promote that will and wish, must be agreeable to Him; and the contrary."*

As actions are to be estimated by their tendency to promote happiness, it follows that "whatever is expedient is right. It is the utility of any moral rule alone which constitutes the obligation of it. But many actions are useful, which would not be right. The hand of the assassin would be very useful who puts to death the present possessor of some great estate, by whose death the estate is transferred from a pernicious tyrant to a wise and generous benefactor: it may be useful to rob a miser and give his money to the poor. But the bad consequences of actions are twofold, *particular* and *general;* and although the particular bad consequences are only the direct mischief of the action, the general bad consequences are the violation of some necessary or useful *general* rule which is more important than any particular good consequences that could result from the actions. Therefore when it is said, whatever is expedient is right; it must be expedient upon the whole, at the long run, in all its effects, collateral and remote, as well as in those which are immediate and direct; as it is obvious that, in computing consequences, it makes no difference in what way or at what distance they ensue."†

Paley, even less than Hume, assisted his inquiry by an examination into the nature and mundane condition

* Book II. chaps. i. and iv. † Book II. chaps. vi. and viii.

of man. He treated such inquiries almost contemptuously. He regarded "the celebrated question of a moral sense as one of pure curiosity, and, as such, he dismissed it to the determination of those who were more inquisitive than he was concerned to be, about the natural history and constitution of the human species."* He "omitted much usual declamation upon the dignity and capacity of our nature; of the superiority of the soul to the body; of the rational to the animal part of our constitution; upon the worthiness, refinement, and delicacy of some satisfactions, or the meanness, grossness, and sensuality of others." †

He also rejected as unnecessary the observance of any distinction arising from the independent existence of morality and revealed religion; styling it "the absurdity of separating natural and revealed religion from each other. The object of both is the same—to discover the will of God; and, provided we do but discover it, it matters nothing by what means. . . . Those who reject the Christian religion are to make the best shift they can to build up a system, and lay the foundations of morality without it. But it appears to me a great inconsistency in those who receive Christianity, and expect something to come of it, to endeavour to keep all such expectations out of sight in their reasonings concerning human duty."‡

* Book I. chap. v. † *Idem*, chap. vi.

‡ Book II. chap. iv. "If there were no foundation for Morality

Yet Paley admitted and stated the existence of natural rights, "such as would belong to man, although there subsisted in the world no civil government whatever." "Natural rights are, a man's right to his life, limbs, and liberty; his right to the produce of his personal labour; to the use, in common with others, of air, light, water. If a thousand different persons, from a thousand different corners of the world, were cast together upon a desert island, they would, from the first, be every one entitled to these rights."*

Paley here touches, although he does not recognise, a deeper principle of morals than utility. The correlative of the natural right to life and property, and to the produce of personal labour, is the duty to observe these

antecedent to Revealed Religion, we should want that important test of the conformity of a revelation to pure morality, by which its claim to a divine origin is to be tried. The internal evidence of religion necessarily presupposes such a standard. . . . It is absolutely essential to ethical science that it should contain principles, the authority of which must be recognised by men of every conceivable variety of religious opinion."—Mackintosh's *Ethical Dissertation*, section Paley.

"Moral Philosophy can in no sense be said to be *superseded* by Revelation; for either it is based upon facts of human nature which existed from the beginning, antecedently to Revelation, or it is not. If it is, those facts exist still, and still form its legitimate province. If it is not, then it has not been superseded; but it was from first to last impossible: it never had, it never could have, any real existence at all. So far is Revelation from superseding Moral Philosophy, that it has given it a higher value and a deeper significance."—*Psychology the Test of Moral and Metaphysical Philosophy*, by Henry Longueville Mansel, B.D. 1855.

* Book II. chap. 10.

rights; and if the rights and duties are natural, the obligation to observe the rights must rest on natural principles. The extent of this admission, by Paley, of natural rights, will appear in the course of this treatise. It may be found sufficient to refute his entire theory.

BENTHAM.

Bentham based his system of Ethics on the most prominent principle of the Epicurean school,—pain and pleasure. "Nature (according to him) has placed mankind under the governance of these two sovereign masters, who alone point out what we ought to do, and determine what we shall do. On the one hand, the standard of right and wrong; on the other, the chain of causes and effects, are fastened to their throne." Their power he represents as absolute. "They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it. In words a man may pretend to abjure their empire; but in reality he will remain subject to it all the while. The principle of utility recognises this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law."*

* *An Introduction to the principles of Morals and Legislation.* By Jeremy Bentham, vol. i. p. 1.

Bentham adopted the name of Utility from David Hume ;* but he had no perfect name for his system, until he found "greatest happiness" in Priestley ; who, however, did not turn it into a system, and knew nothing of its value. "He," Bentham says, "was the first (unless it was Beccaria) who taught my lips to pronounce this sacred truth,—that the greatest happiness of the greatest number is the foundation of morals and legislation." He afterwards abbreviated that famous formula into "the greatest happiness principle."

Notwithstanding the florid and confident language in which Bentham has described his system, his works afford very little assistance in comprehending its application to morals. The direction of his mind was chiefly towards government and jurisprudence, and his celebrated maxim has been received as suited to political government.† He himself considered the chief value of his maxim to be political rather than moral, when he made his distinction between ethics at large, and private ethics. The former he defined as "the art of directing man's actions to the production of the greatest possible quantity of happiness on the part of those whose interest

* *Ibid.*, vol. i. p. 242.

† The true and eminent merit of Mr. Bentham is that of a reformer of jurisprudence: he is only a moralist with a view to being a jurist; and he sometimes becomes for a few hurried moments a metaphysician with a view to laying the foundation of both the moral sciences.—Mackintosh's *Dissertation*, sect. Bentham.

is in view—that end being what we mean, or at least the only thing, which, on the principle of utility, we ought to mean, by the art of government." Private ethics he defined to be "the art of directing a man's own actions, or self-government, as to which a man's actions will depend, in the first place, upon such parts of his behaviour as none but himself are interested in; in the next place, upon such part of it as may affect the happiness of others. That is duty to himself, and is called Prudence."

AUSTIN.

Austin, although an ardent maintainer of the system of Utility, acknowledged the independent existence and superior authority of Revealed Law.* "Of the divine laws, or the laws of God, some are *revealed* or promulged, and others are *unrevealed*. . . . . The revealed laws are *express* commands; portions of the *word* of God; commands signified to men through the medium of human language, and uttered by God directly, or by servants whom he sends to announce them.

"Such of the divine laws as are *unrevealed* are laws set by God to his human creatures, but not through the medium of human language, or not expressly.

"These are the only laws which he has set to that

* *The Province of Jurisprudence Determined*, by John Austin, Esq., Barrister-at-Law, 1832. The italics in the quotations are those in the book.

portion of mankind who are excluded from the light of Revelation.

"These laws are binding upon us (who have access to the truths of Revelation) in so far as the revealed law has left our duties undetermined. For, though his express declarations are the clearest evidence of his will, we must look for many of the duties, which God has imposed upon us, to the marks or signs of his pleasure which are styled *the light of nature.* Paley and other divines have proved beyond a doubt, that it was not the purpose of Revelation to disclose the *whole* of those duties. Some we could not know without the help of Revelation; and these the revealed law has stated distinctly and precisely. The rest we may know, if we will, by the light of nature and reason; and these the revealed law supposes or assumes. It passes them over in silence, or with a brief and incidental notice." *

If this be a true representation of God's government, the human race is divided into two portions, of which one is under both revealed law and unrevealed law, and the other is under unrevealed law alone. The consequence is that these two portions of the human race are subject to different laws; and that portion excluded from the light of Revelation, cannot by the light of nature obtain knowledge of revealed laws, "for some duties we could not know without the help

* *The Province of Jurisprudence Determined*, pp. 32, 33.

of Revelation, and these the revealed law has stated "distinctly and precisely;" and further, because "unrevealed laws are the only laws which God has set to that portion of mankind who are excluded from the light of Revelation." Although the question is confined to the mode by which mankind acquire knowledge of unrevealed laws, this theory of God's government is open to objection as not philosophical, nor even consistent with fact, or with Revelation itself; for, taking the second table of the Decalogue as a revelation of moral laws, we know that those laws are in operation over large masses of the human race which are excluded from the light of Revelation; whilst it is a theory of the Christian Revelation that those laws are written in the hearts of all mankind.

Austin next proceeds to the inquiry—"If God has given us laws which He has not revealed or promulged, how shall we know them? What are those signs of his pleasure, which we style *the light of nature;* and oppose, by that figurative phrase, to express declarations of his will?"

His answer is—"The hypotheses or theories which attempt to resolve this question may be reduced, I think, to two;—the hypothesis or theory of moral sense, and that of utility." The question, it will be observed, applies to unrevealed laws; and the answers give the modes by which, according to the several

hypotheses, not only those who have received Revelation, but also those who have not received it, obtain knowledge of God's moral laws ; in the former case, of laws in addition to those revealed, in the latter case, of all the laws they can obtain.

The theory of moral sense, to which the theory of utility is opposed, is next stated by Mr. Austin, as represented by its supporters ; but it must be observed that the supporters of the theory of a moral sense do not confine its action to the development of unrevealed law. "There are human actions which all mankind approve, human actions which all men disapprove ; and these universal sentiments arise at the thought of those actions, spontaneously, instantly, and inevitably. Being common to all mankind, and inseparable from the thoughts of those actions, these sentiments are marks or signs of the Divine pleasure. They are proofs that the actions which excite them are enjoined or forbidden by the Deity.

"The rectitude or pravity of human conduct, or its agreement or disagreement with the laws of God, is instantly inferred from these sentiments, without the possibility of mistake. He has resolved that our happiness shall depend on our keeping his commandments : and it manifestly consists with his manifest wisdom and goodness, that we should know them promptly and certainly. Accordingly, he has not committed us to

the guidance of our slow and fallible *reason.* He has wisely endowed us with *feelings,* which warn us at every step; and pursue us with their importunate reproaches, when we wander from the path of our duties.

"These simple or inscrutable feelings have been likened to the outward senses, and styled the *moral sense.*" Austin, though "admitting that the feelings exist, and are proofs of the Divine pleasure," professed himself "unable to discover the analogy which suggested the comparison and the name." We shall hereafter see that he admits the "moral sentiments" as part of his system.

He next described his own theory of utility. "According to the other of the adverse theories or hypotheses, the laws of God, which are not revealed or promulged, must be gathered by man from the goodness of God, and from the tendencies of human actions. In other words, the benevolence of God, with the principle of general utility, is our only index or guide to his unrevealed law."

"God designs the happiness of all his sentient creatures. Some actions forward that benevolent purpose, or their tendencies are beneficent or useful. Other human actions are adverse to that purpose, or their tendencies are mischievous or pernicious. The former, as promoting his purpose, God has enjoined. The latter, as opposed to his purpose, God has forbidden. He has given us the faculty of observing, of remembering, of

reasoning; and, by duly applying these faculties, we may collect the tendencies of our actions. Knowing the tendencies of our actions, and knowing his benevolent purpose, we know his tacit commands. Such is a brief summary of this celebrated theory."*

"But, (Austin proceeds, in this respect following Paley) the *tendency* of a human action (as its tendency is thus understood) is the whole of its tendency: the sum of its probable consequences, in so far as they are important or material; the sum of its remote and collateral, as well as of its direct consequences, in so far as any of its consequences may influence the general happiness.

"Trying to collect its tendency (as its tendency is thus understood) we must not consider the action as if it were *single* and *insulated*, but must look at the *class* of actions to which it belongs. The probable *specific* consequences of doing that single act, of forbearing from that single act, or of omitting that single act, are not the objects of the inquiry. The question to be solved is this. If acts of the *class* were *generally* done, or *generally* forborne or omitted, what would be the probable effect on the general happiness or good?"

"Considered by itself, a mischievous act may seem to be useful or harmless. Considered by itself, a useful act may seem to be pernicious.

* *The Province of Jurisprudence Determined*, pp. 33–36.

"For example, if a poor man steal a handful from the heap of his rich neighbour, the act, considered by itself, is harmless or positively good. One man's poverty is assuaged with the superfluous wealth of another.

"But suppose that thefts were general (or that the useful right of property were open to frequent invasions), and mark the result.

"Without the security for property, there were no inducement to save. Without habitual saving on the part of proprietors, there were no accumulation of capital. Without accumulation of capital, there were no fund for the payment of wages, no division of labour, no elaborate and costly machines: there were none of those helps to labour which augment its productive power, and, therefore, multiply the enjoyments of every individual in the community. Frequent invasions of property would bring the rich to poverty; and, what were a greater evil, would aggravate the poverty of the poor."*

The case selected for the illustration of the tendencies of actions is most inapt. "Thou shalt not steal," is a revealed law, which by the author's own definition is "an express command of God;" and thus, his argument required him to maintain that an action contrary to it, is *malum in se;* and that the law should be obeyed without inquiring into the tendency of the act. The argument, therefore, stands without an example of an action

* *The Province of Jurisprudence Determined*, pp. 37, 38.

not forbidden by revealed law,—"good as single or insulated, but considered with the rest of its class, evil."

Austin next states and answers an objection which he supposed to be made to his theory, "that if we adjusted our conduct to the principle of general utility, every election which we made between doing and forbearing from an act would be preceded by a *calculation*: by an attempt to conjecture and compare the respective probable consequences of action and forbearance."*

His answer is, "that according to the theory our conduct would conform to *rules* inferred from the tendencies of actions, but would not be determined by a direct resort to the principle of general utility. Utility would be the test of our conduct, ultimately, but not immediately: the immediate test of the rules to which our conduct would conform, but not the immediate test of specific or individual actions. Our rules would be fashioned on utility; our conduct on our rules."† "To *rules* thus inferred, and lodged in the memory, our conduct would conform *immediately* if it were truly adjusted to utility."‡ "Speaking generally, human conduct, including the human conduct which is subject to the Divine commands, is inevitably guided by *rules*, or by *principles* or *maxims*." "These we carry about us ready for use, and apply to individual cases promptly or without hesitation; without reverting to the process by which

* *The Province of Jurisprudence Determined*, p. 46.
† *Idem*, p. 47. ‡ *Idem*, p. 48.

they were obtained; or without recalling, and arraying before our minds, the numerous and intricate considerations of which they are the handy abridgments."

But "the human conduct which is subject to the Divine commands, is not only guided by *rules*, but also by *moral sentiments* associated with those rules." Austin does not ignore the moral sentiments, and thus he adjusts them to his theory. "If my conduct be truly adjusted to the principle of general utility, my conduct is guided remotely by *calculation*. But immediately, or at the moment of action, my conduct is determined by *sentiment*. I am swayed by *sentiment* as imperiously as I *should* be swayed by it, supposing I were utterly unable to produce a reason for my conduct, and were ruled by the capricious feelings which are styled the moral sense. For example, Reasons which are quite satisfactory, but somewhat numerous and intricate, convince me that the institution of property is necessary to the general good. Convinced of this, I am convinced that thefts are pernicious. Convinced that thefts are pernicious, I infer that the Deity forbids them by a general and inflexible rule." . . . "*A sentiment of aversion* is associated in my mind with the thought or conception of a *theft;* and . . . I am determined by that ready emotion to keep my fingers from your purse."*

"To think that the theory of utility would *substitute*

* *The Province of Jurisprudence Determined*, pp. 49-52.

calculation for sentiment is a gross and flagrant error." . . . "To crush the moral sentiments is not the scope or purpose of the true theory of utility. It seeks to impress those sentiments with a just or beneficent direction; to free us of *groundless* likings, and from the tyranny of senseless antipathies; to fix our love upon the useful, our hate upon the pernicious."*

Such is a general outline of the theory of this eminent writer. It is peculiar as excluding revealed law from the operation of the theory. His arguments are not illustrated by any example of an unrevealed law, or of those rules and principles or maxims lodged in the memory, by which, according to him, human conduct is inevitably guided. He admits that his "conclusions (like most conclusions) must be taken with limitations." —that "there certainly are cases (of comparatively rare occurrence) wherein the specific considerations balance or outweigh the general"—and when "we should, therefore, dismiss the *rule*, resort directly to the *principle* upon which our rules were fashioned; and calculate *specific* consequences to the best of our knowledge and ability."† An admission that the laws of morality admit of variation or of reconstruction, would be fatal to a theory embracing only actions purely moral; and from the explanations that follow, we find that it was not moral conduct be-

* *The Province of Jurisprudence Determined*, pp. 51-53.

† *Idem*, pp. 53, 54.

tween men in relation to each other as individuals, under the laws of God, that he had chiefly in his mind, but those relations which subsist between men and communities in human government, in which, to a great extent, God has given free agency to man; for the examples of cases in which the rule must be departed from and reconstructed are connected with human government. If he had entered into an analysis of human action, and had given an example of what he conceived to be an unrevealed moral law of God, or an example of the rules, and of the principles or maxims by which human conduct is guided, according to his theory of utility, he would have much assisted in the understanding of his theory. But he might then have found that actions forbidden by the moral law of God, may all be arranged under laws analogous to those that are revealed; and that what really remained for the application of his theory were the laws of human government, in the formation of which few would deny that utility is to be regarded as a necessary principle, but secondary to that of moral justice.

JOHN STUART MILL.

This eminent philosopher and man of letters has recently given to the world a new treatise on the philosophy of Utility, in order to correct mistakes that had arisen concerning its nature and principles.* Mr. Mill,

* *Utilitarianism*—by John Stuart Mill, 1861 and 1863.

like Mr. Austin, opposes his own system to that system of morals which includes the doctrine of a moral sense; which he calls the intuitive school, as he calls his own the inductive school of ethics. He describes the common principles in which both agree. "Both insist on the necessity of general laws. They both agree that the morality of an individual action is not a question of direct perception, but of the application of a law to an individual case. They recognise, also, to a great extent the same moral laws; but differ as to their evidence, and the source from which they derive their authority. According to the one opinion the principles of morals are evident *à priori*, requiring nothing to command assent, except that the meaning of the terms be understood. According to the other doctrine, right and wrong, as well as truth and falsehood, are questions of observation and experience. But both hold equally that morality must be deduced from principles, and the intuitive school affirms as strongly as the inductive that there is a science of morals."*

But Mr. Mill does not, like Mr. Austin, limit the scope of his system to unrevealed law; he extends his theory to all moral law. He recognises the same moral laws as the intuitive school; therefore the laws which forbid murder, adultery, theft and lying, are within his system: but they are deduced from a different source—

* Chapter i.

that is, it may be presumed, a source accordant with the theory of the system of utility—the "observation and experience" of men.

Nor is it left in doubt whether utility is advocated as a principle of human government, or as the foundation of morals. In the outset the controversy is declared to be "respecting the criterion of right and wrong;" and "concerning the foundation of morality." The capacity of the system to embrace the whole moral government of man, is claimed in much variety of phrase. Utility or happiness is "the fundamental principle of morality, and the source of moral obligation." It is "the directive rule of human conduct;" "the test of right and wrong;" the standard of morality. Its opponents are taunted with their failure "to reduce their various principles to one first principle or common ground of obligation; although, to support their pretensions, there ought either to be some fundamental principle or law at the root of all morality, or if there be several, there should be a determinate order of precedence among them; and the one principle, or the rule for deciding between the various principles when they conflict, ought to be self-evident."*

The principle laid down that morality is founded on general laws, and that the morality of an individual action is the application of a law to an individual case,

* Chapter i.

must be admitted to be philosophical and sound. It would be difficult to shake a system of morality proved to be founded on laws universal in their scope and comprehension, and individual in their action or application.

What then is the general law of the system of utility? This is the formula.

"The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness pain, and the privation of pleasure."*

Mr. Mill notices several popular objections made to the creed. One commonly made is, that it is "a godless doctrine." His reply to this objection is, "that if it be a true belief that God desires, above all things, the happiness of his creatures, and that this was his purpose in their creation, utility is not only not a godless doctrine, but more profoundly religious than any other." But, on the postulate that moral laws are derived from the observation and experience of men, the doctrine is not free from the charge of being godless. It is an axiom in the science of government that the legislative power is supreme; and if men exercise that power in morals, it is a small matter to concede also, that the moral laws

* Chapter ii.

are executed by them through human government; for the only executive power visible to man is in human government. On the hypothesis of utility, therefore, there may be no Supreme Moral Governor; at all events, God executes human laws, and is thus in subordination to man.

But does the formula carry out the proposition that morality is founded on general laws, and that the morality of an individual action is the application of a law to an individual case? The formula is not a law: it is announced as a creed. It has not the form of a law, which is "do," or "do not." It may be a philosophical classification of the actions of men, and yet not be the law, or even the principle of the law, by which actions are determined to be morally right or wrong. Happiness is an abstract term.* Admitting that desire of happiness influences human actions; yet so great

* "In the handling of moral science the writers . . . have set forth accurate draughts and portraitures of good, virtue, duty, and felicity, as the true objects for the will and desire of man to aim at. . . We may discourse as much as we please that the moral virtues are in the mind of man by habit and not by nature, . . . and the like scattered glances and touches; but they would be very far from supplying the place of that which we require. The reason of this neglect I suppose to be that hidden rock whereupon this and so many other barks of knowledge have struck and foundered; which is, that men have despised to be conversant in ordinary and common matters which are neither subtle enough for disputation, nor illustrious enough for ornament."—Lord Bacon, The *De Augmentis;* Spedding's Edition, vol. v. pp. 3, 4.

is the uncertainty of happiness, both from its undefined state, and from the different views of each individual regarding it, that no determinate rule of conduct can be obtained from the general principle, until it is reduced into concrete laws. How can we derive from this general formula a law applicable to an individual action and to an individual case? How can obedience be enforced, or a sanction be attached to disobedience, to a formula so general? It would be impossible to punish for not doing actions to promote the happiness of the greatest number, or for doing actions which promote the reverse of such happiness. If a man were allowed to consider what is right or wrong as regards his own happiness, the standard would be more practical; but that is not allowed; for "the standard is not the agent's own greatest happiness, but the greatest amount of happiness altogether."

Mr. Mill has not given an example of the working of the formula, shewing the process by which it becomes the application of a general law to an individual case; and we may therefore test it by an act indisputably immoral, the act of murder. Is it true, in fact, as regards the act of murder, that its tendency to produce happiness, or the reverse of happiness, is the criterion of its morality? In human tribunals the question is, whether the accused has, or has not, broken that criminal law which forbids murder. In the tribunal of

morals, a moral agent knows by his conscience in what his offence consists; and it may be safely asserted, that it never entered into the mind of any human being, arraigned for taking away the life of his fellow-creature, that the essence of his crime was the tendency of his act to produce the reverse of happiness. This objection to the theory of utility is of force unless it be denied that morality can be tested by the moral sentiments of mankind. Mr. Mill observes, that "the moral feelings are not a part of our nature in the sense of being in any perceptible degree present in all of us;" yet he admits that "from the idea of justice has been drawn in all ages of speculation, one of the strongest obstacles to the reception of the doctrine that utility or happiness is the criterion of right and wrong." If the existence of the moral sentiments be not denied, the conscience of the supposed criminal should, on the principle of utility, accuse him, not of the murder of an individual man, but of having done an act which produced the reverse of happiness to the greatest number of mankind.

"According to the Greatest Happiness Principle, the ultimate end (Mr. Mill proceeds) with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality; the test of quality, and

the rule for measuring it against quantity, being the preference felt by those who in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison. This being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined, the rules and precepts for human conduct, by the observance of which an existence, such as has been described, might be, to the greatest extent possible, secured to all mankind; and not to them only, but, so far as the nature of things admits, to the whole sentient creation."*

There are here two propositions: 1st, that a happy existence, or happiness, is the ultimate end of human action, and therefore is the standard of morality; and, 2dly, that rules and precepts for human conduct, for securing that happy existence, define the standard of morality.

Taking the second proposition first under our consideration, as most connected with the previous statement and with the arguments founded upon it,—that morality is the application of a general law to an individual action and to an individual case,—it is open to the objection, that rules and precepts are not laws. No examples of rules and precepts deduced from the

utilitarian formula are given in the treatise; but it is said, "that in the golden rule of Jesus of Nazareth we read the complete spirit of the ethics of utility. To do as you would be done by, and to love your neighbour as yourself, constitute the ideal perfection of utilitarian morality."

In respect for these Christian rules and precepts, the utilitarian philosophy is not distinguished from the other system of moral philosophy. But rules and precepts are not laws. "Love your neighbour as yourself," is a precept of high obligation, but it admits of exception if your neighbour is morally undeserving of your respect and affection. "Do as you would be done by," is not applicable to all circumstances. Its high authority must not prevent our acting contrary to its terms when justice requires that we should discard the feelings that prompt us to spare another the penalties which his crimes have brought upon him. The judge, when he sentences a fellow-creature to death, would gladly relieve the pain he feels from his consciousness of the agony which his sentence produces in the mind of the prisoner, if justice would permit him to strain the Christian precept beyond its true import. Thus, rules and precepts allow, indeed require, exceptions in their application; no human penalty can be attached to the non-observance of them, nor can they be introduced into human legislation. They refer to deeper principles

as their foundation; which principles, whether embodied in laws, or governing the human mind, must deprive the former of all claim to be the standard of morality.

Let us next consider the other proposition—that a happy existence (or, using the more common utilitarian term, happiness) is the end of human action, and necessarily also the standard of morality. If happiness be the ultimate end of human action, or the end for the sake of which human action is done, human action must bear the test of being referrible to nothing else; that is, to no other or deeper principle in nature than happiness. Love between the sexes is the efficient cause of human actions that produce happiness to a greater extent, variety, and intensity, than any other principle of nature—actions arising out of the conjugal, the parental, and the filial relations; yet happiness is not the ultimate end of actions proceeding from love between the sexes, beyond which they can be referred to nothing, for their primary purpose is the procreation and perpetuation of the human race. The desire and necessity of food produce a large proportion of the aggregate of human actions; but happiness is not the ultimate end of actions originating in the appetite of hunger, beyond which they can be referred to nothing; for there is the further and deeper point that the appetite is the fundamental provision of nature for sustaining

life; and the actions of which it is the efficient cause must be primarily accessory to that end.

Happiness, then, is not the ultimate end of human action, for underlying man's desire of happiness there are principles deeper in the system of nature; and as deeper principles, they have precedence to happiness in the moral government of God. These fundamental principles, again, may be guarded and protected by laws, to be observed and obeyed as the conditions on which happiness must be sought, and without obedience to which it cannot be obtained. If that be so, then these laws, and not happiness, are the standard of morality.

Subject to these laws, and to the duty of obedience to them, the Creator has ordained that happiness be open to the free and voluntary efforts of all and each of the human race, according to their various tastes, desires, and powers of enjoyment, diversified by the external circumstances of climate, worldly possessions, health, physical strength, and civilization, and to the still more various turns and inclinations of their minds, and their degrees of mental power. For so bounteous is the Creator in the distribution of happiness, that it is not possible to reduce it to a standard applicable to all men alike; nor does it seem to be his purpose to restrict happiness and enjoyment within other limits than the bounds of our faculties. It is not a restriction upon happiness that man is subject to laws. It is sufficient

that it is in every man's power to attain that happiness which he can best appreciate and enjoy, on the condition of obedience to fundamental laws, and by a prudent and careful regard to the social circumstances in which he lives. Nor should it be overlooked that the Creator intends that men shall assist one another in the attainment of happiness, and that they are under a moral obligation so to do.

But these statements cannot be elucidated without a further and deeper analysis of the constitution of human nature; and to that analysis and its inductive results, I invite the attention of my readers.

PART I.

THE ANIMAL NATURE.

CHAPTER I.

Analysis and Comparison of the Animal and Mental constitution of Man and Brutes—Social and Moral system on the earth coeval with Man.

It requires very little observation to perceive that man, in his physical structure and physiological organisation, is framed on the type of an animal; but in his structure, although similar, he is superior to his prototype. His body is more erect and more symmetrical. It has a commanding attitude which awes inferior animals; and it is often a beautiful and graceful depository of the power which he possesses over them.

There is much speculation among naturalists respecting the mode by which the succession of animals which, as geology teaches, has appeared on the earth, came into being. Some maintain that successive races were called into existence by successive acts of creative power;

others, on the contrary, conclude, from apparent modifications and adaptations of the skeletons of successive species, that changes in the character of species were made in successive generations, by force of a primordial law of nature. Progressive development, transmutation of species, and variation by natural selection, indicate theories according to which, through the action of natural causes, inferior animals passed into higher species.

These theories bring man within their scope as the last of the series of transmuted animals, by a line of succession springing from the lower mammalia, and closing with the order of apes in that class. The apes which most nearly resemble man are said to be the chimpanzee and the gorilla, but naturalists are divided in opinion as to the degree of approximation. Their dispute is but a question of scientific classification, and does not affect the proposition that man, in his physical structure and constitution, is an animal.

Mental power being assumed to be associated with the brain, and its degree to have relation to the mass and weight of the brain, that organ has been the subject of especial examination. Comparisons have been made of the brain of man and of the cranium in which it is contained, with those of apes; and it is found that in cranial capacity men differ more widely from one another than they do from apes; whilst the lowest apes differ as much, in proportion, from the highest as the latter does from

man. In cerebral structure "man differs less from the chimpanzee or the orang, than these do even from the monkeys; and the difference between the brains of the chimpanzee and of man is almost insignificant when compared with that between the chimpanzee brain and that of a lemur."* "There is, however, a very striking difference in absolute mass and weight between the lowest human brain and that of the highest ape. But that circumstance, although noteworthy, it is admitted, does not furnish an explanation of the great gulf which intervenes between the lowest man and the highest ape in intellectual power."

The great distinction between men and brutes is chiefly displayed in the difference of their mental power, and of their social and moral qualities, and of their destinies. These differences I shall proceed to consider.

1. Men and brutes have what may be called the same physical instruments of knowledge. Whatever part the brain may perform, it is not the only nor the primary instrument. The organs of sense are combined with the brain, and men and brutes have the same organs of sense: the eye, the ear, the nose, the palate, and the touch.

The senses are the physical instruments employed to convey ideas, both to man and brutes. According to

* *Evidence as to Man's place in Nature,* by Thomas Henry Huxley, F.R.S.

the generally received theory of Locke, "there are but two fountains of knowledge. First, our senses, conversant about particular sensible objects, convey into the mind, which like white paper without characters is void of ideas (and, it has been added by Professor Sedgwick, is prepared to receive them), distinct perceptions of things according to those various ways wherein objects affect them;—in other words, the senses from external objects convey into the mind what produces there those perceptions. This great source of most of the ideas we have, depending wholly upon our senses, and derived by them to the understanding, is called Sensation.

"The second fountain of ideas is the perception of the operations of our own mind within us, as it is employed about the ideas it has got through the senses; which operations furnish the understanding with another set of ideas which could not be had from things without. This source of ideas every man has in himself; and it is called Reflection. The understanding has not the least glimmering of any ideas which it does not receive from one of these two."*

The physical instruments are, then, the same in man

* Locke's *Essay concerning Human Understanding*, book II. chap. i. secs. 1-5. "All our knowledge begins with sense, proceeds thence to understanding, and ends with reason, beyond which nothing higher can be discovered in the human mind for elaborating the matter of intuition and subjecting it to the highest unity of thought!"—Kant's *Critique of Pure Reason*, second division, sec. 2.

and brutes; and if man has a larger brain than the lower animals, he is inferior to many animals in the power of his organs of sense. The senses of both act upon the same external objects. What, then, causes the vast difference that there is in the number, extent, and variety of ideas obtained by man, and in the power he possesses of increasing and enlarging his ideas by reflection; the latter power not possessed by brutes in any degree? May not the difference arise from this,—that the senses of men convey their impressions of external objects to mind or reason, whilst those of brutes convey their impressions to instinct?

With regard to the difference in number, extent, and variety of ideas, it is to be observed that perception is the act of the being who perceives, and is not to be confounded with the organs of sense by which he perceives.* Thus man's superior power of perception, derived from his reason, enables him to acquire ideas far beyond the range of the power of brutes; and yet there is a resemblance in some of these ideas, although a general difference that is unbounded. The ideas of a brute cannot extend beyond the power of its instinct; and they are limited to those having relation to the chief purpose in life for which the Creator has designed it, and to its appetites and physical affections. In the latter, man resembles his animal prototype. From this

* Reid's *Essays on the Intellectual Powers of Man*, Essay ii. chap. i.

resemblance it has been inferred that the highest faculties of intellect begin to germinate in lower forms of life; and the theory of transmutation or transmission has been carried into the regions of intellect. But the resemblance so noticed is only in the occurrence of those animal ideas common to animal life; ideas connected with the appetites and physical affections. When we pass beyond them, when we enter the regions of mind and intellect, when we think, when we reflect, when we reason; we are conscious of the presence of power that elevates us far above brutes and our animal nature—a power which as brutes never possessed they could not transmit to us, which is the great distinction between man and brutes, which could only be derived from God, and which we call our REASON.

2. A second difference between man and brutes is founded on their animal nature; and on that part of the animal constitution in which the resemblance between man and brutes is closest. Their physiological organisation is so similar as to be almost identical. Both are constituted of the same materials of flesh and blood, bone, muscles, and nerves. Both are made male and female. Man is born, nurtured, feeds, propagates his species, dies, and decays, in the same manner as brutes.

In the appetites of hunger and sex a divergence originates, which marks the great boundary between man and brutes in their mundane condition. These

appetites in brutes are employed under instincts that restrict them to definite action for sustaining life and propagating species. They impel man to similar action for the same purposes. But beyond these, in man they are the source and support of all that constitutes his superior mundane condition. In man they are the source and support of labour, of property, of trade, of government, and of society. They are also the foundation of his moral condition; and while they are the sources of much of his happiness, they are also the sources of all the moral evil he commits. This will, it is hoped, be proved in future chapters. In the meantime, if this be assumed, it may be asked, how came it to pass that on the appetites of man, a structure so vast and varied as that of human society was based and raised, and protected by moral laws; whilst brutes, with the same appetites, remain passive occupants of one uniform round of animal existence, from which no brute is able to depart, or has ever emerged? The animal and primary cause of their several mundane conditions is the same. What is, and whence comes the superadded cause adequate to the production of a distinction so great in favour of man? The superadded power or capacity must have been supplied to man as necessary to a design to raise the human race immeasurably above its animal prototype; and it can only have proceeded from the Founder of the design. That design could not (reverently

speaking) have been accomplished unless man was invested with the gift of reason. It was necessary also, as labour was the foundation of the new social system, that man's body should be adapted to labour, and to the higher sphere of existence which man was to occupy. To the animal structure were given the erect form, the hand, and the voice capable of being used for speech.

3. A third distinction between man and brutes is found in the benevolent affections. These affections are implanted in the human mind, and have a peculiar purpose in human life, to which there is no analogy in the life of brutes. Brutes may, and probably have some affection for their herd or flock, and even for animals of another species; although against the latter there is Mr. Darwin's high authority, who "does not believe that any animal in the world performs an action for the exclusive good of another of the same species, yet each species tries to take advantage of the instincts of others, as each takes advantage of the weaker bodily structure of others."* But brutes are under no moral or religious obligation to obey the impulses of their affections; and in this respect there is a great distinction between them and man, as will be shewn in a future chapter.

4. Another distinction is that man is under the influence of conscience, while brute animals, not being

* *Origin of Species*, p. 211.

moral beings, have nothing in the nature of conscience. When they act according to their instincts, or to the appetites and passions most powerful at the time, they act according to their nature, for they are incapable of a crime.

5. There are other striking differences. The lowest in the human race are capable of improvement; and the whole race is gradually increasing its knowledge, and improving its social position, whilst brutes remain stationary. We may fairly take the highest intellect of the human race as the standard of comparison with the inferior animals; for the nature of both must be estimated by what they are capable of;—and thus, whilst each brute begins life as if he were the first of his species, every new generation of mankind commences with all the acquired knowledge of all previous generations; so that Bacon said, "the old age of the world is to be accounted the true antiquity."*

It seems a reasonable induction from this comparison of man with brutes, that when man was introduced into the world, there was a break in the plan by which life on the earth had been previously regulated. The original inhabitants were continued in the state in which from their origin they existed; ruled by instinct, but with some small intelligence sufficient for their condition, and for the limited intercourse they have with

* *Novum Organum*, Aph. 84.

their kind; and free as they ever had been from responsibility to moral law. The new animal was of the same anatomical structure, and physiological organisation, but a new system of life was designed for him, by which, through the force of the appetites, under the control of moral law, and with the aid of reason, he was destined to rise to a state of social, intellectual, and moral existence, unknown on the earth before. We may feel a rational confidence that the new animal was endowed with these faculties and qualities by the act of his Creator; for brutes could not transmit faculties and qualities which they do not possess, and which do not belong to their race. We may also feel confident that Reason and the new system of man's existence on the earth, were cotemporary, and part of the same design; for when reason was given, employment must have been found for it; and the new system of existence could not have been carried on by a creature not possessed of reason.

CHAPTER II.

Rise of Human Institutions from the Animal Nature of Man—viz., Labour, Property, and Families, as Primary Institutions, and Trade, Manufactures, Money, and Government, as Accessory Institutions—Analysis of Property, and Criterion of its Value.

THE compound constitution of man renders it necessary to make a separate analysis of the elements of his animal and mental natures, in order to ascertain in what manner they respectively, and afterwards in conjunction, operate in producing his mundane and moral condition. We shall take his animal nature first in order; for it is the body which represents the man to his fellow-creatures, which sustains all the physical business of life, and of which alone we have any clear conception; philosophers not having the remotest idea how the psychical element exists in conjunction with it.

The most prominent, and by far the most important elements of the animal nature, are the appetites of hunger and thirst (which I shall consider as one, under the name of hunger), and the appetite of sex. The power of these appetites, both in man and brutes, is well understood. Though satisfied for a time, they return again with renewed force. Hunger must be satis-

fied with almost periodical constancy; if neglected, loss of bodily strength, and in a short time death, ensue. The other appetite, although not periodically recurring, nor involving, through want of gratification, the succumbing of life, is of a most ardent nature. The adequate satisfaction of these appetites is a fundamental condition of the existence of man and brutes.

The purpose of the appetite of hunger is to provoke desire for food, in order to sustain life. Man's first duty is to provide food for himself and his offspring. He cannot, like some classes of the inferior animals, prey on his own species; nor can he, like others, sustain his existence by the grasses and spontaneous products of the earth. He has found that he is subject to a natural law, which is the first law of his mundane condition; that he must procure food for the supply of his appetite of hunger, by LABOUR.

Many species of animals procure their food by exertion of their natural bodily powers set in action by the appetite of hunger; but in man it brings into action those qualities which eminently distinguish him from brutes. It brings his reason into action. He could not cultivate the earth, nor work in the various modes which his ingenuity has taught him, if confined to the instinct or low intelligence of brutes; nor unless he possessed, also, his hand and his erect form.

The Creator has attached many pleasures and ad-

vantages to the performance of labour. Through cultivation by labour, the wild fruits and seeds of the earth, its vegetables and grasses become more suited for food; and they are multiplied so as to yield subsistence far beyond that which the earth in its uncultivated state could supply. Thus it is prepared to receive those multitudes of human beings with which it seems the design of Providence to people it. By labour, also, man has changed the face of the earth from an uncultivated wilderness into a garden of exquisite beauty; and whilst increasing the fertility, he has improved the salubrity of the land.

Labour has a powerful influence on the health and moral condition of man. By it, the functions of the body are kept in healthy action, and the vigour of the frame is maintained or increased; whilst it supplies the mind with subjects of meditation that divert it from evil thoughts; which the appetites and passions are sure to engender when the body is unemployed, and the mind is unoccupied.

Yet labour must be employed in a manner beneficial to the labourer. It is not given with energy and good will, nor does it afford to body or mind healthy and interesting occupation, unless with the expectation of being rewarded with at least a portion of the fruits of the labour. Its natural return is food; and it is necessary to a man's self-respect, that such return should be

produced by his own exertion, or by means which do not make him dependent for it on the arbitrary will or caprice of another man. If thus dependent, or when men, able to labour, resign themselves habitually to receive food for their subsistence from the hand of charity, self-respect is lost, and they become degraded and demoralised.

But labour is sweet, when well directed and properly rewarded, and when it does not, by toil, distress the natural powers. For such labour there is a natural desire, and it has the qualities of a natural appetite. After labour proportioned to the strength of the body or of the mind has been performed, fatigue ensues, and sensations arise which warn us to desist, and to seek refreshment and rest in food and sleep; and by these restoratives, after a short interval, the desire and necessity for labour are renewed. Thus, in the alternatives of labour and of rest, we have the alternate states of decadence of strength and of restoration, which mark the appetite of hunger, the parent of labour.

As the wants of hunger can only be supplied by labour; so the products of labour can only be preserved, and secure provision made for the whole period of the year against want or famine, by the STORING OF FOOD. In a large part of the habitable world the earth yields her increase but at one period of the year; and during the remainder, vegetation is in progress, in decline, or at

rest. Corn or fruit, after it has reached its point of ripeness, and become fit for food, begins to decay; and it rots and perishes if not gathered and stored as soon as it is ripe. But man requires these not only at the period of the natural harvests, but at all periods of the year; and storing is, therefore, a necessity imposed upon him by nature, for the supply of his appetite of hunger, and consequently for the preservation of his life.

Storing of food is, then, the second law of man's mundane condition; and to this law the Creator has attached blessings if observed, and heavy pains and penalties if disregarded. If disregarded, no progress can be made in civilization; and famine, with cannibalism, are the certain results and horrid penalties of its neglect. The effect of the disregard of this law of nature is strikingly shewn amongst the Fuegians, natives of Tierra del Fuego. They live in a climate subject to frost and snow, and otherwise inhospitable, without habitations, and almost without clothing. Mr. Darwin, in his voyage round the world in H. M. S. Beagle, visited them in December 1832. His great powers of accurate observation and description have given us a picture of the melancholy state in which these people exist. "Whenever it is low water, winter or summer, night or day, they must rise to pick shell-fish from the rocks; and the women either dive to collect sea-eggs, or sit patiently in their canoes, and with a baited hair-line,

without any hook, jerk out little fish. If a seal is killed, or the floating carcase of a putrid whale is discovered, it is a feast, and such miserable food is assisted by a few tasteless berries and fungi."

The only approach which the Fuegians make to the storing of food, is "whenever a whale is cast on shore, the natives bury large pieces of it in the sand, as a resource in time of famine." The consequence of their improvidence is, that "when pressed in winter by hunger, they kill and devour their old women before they kill their dogs;" preferring the lives of the latter as producers, or aiders in producing food, to the aged and unprofitable consumers of food. The daily wants being alone considered, and storing for the future being neglected, the Fuegians have made no advance towards the institution of property, or of government, or any ruling authority, "having not even a chief."*

The effect of the disregard of this law of nature on people in civilized countries is alike disastrous, both socially and morally. Living from hand to mouth, and spending, in intemperance, money which might, but for improvidence, be saved and put in store; they sink into poverty when the supply of labour temporarily stops, or weather prevents its continuance. Then they are prepared and sorely tempted to commit crimes to supply their needs.

* *Journal of a Naturalist*, by Charles Darwin, M.A., F.R.S.

Through the appetite of sex, FAMILIES spring, in which the father is the natural governor; and from the association of these, impelled by the necessity of mutual protection and the advantage of mutual aid in works of labour, villages are formed; where the elders assume a patriarchal authority, and foreshadow the more perfect association and government of a state. The association of men is also stimulated by the appetite of hunger, for food can be more abundantly supplied where men combine in numbers than when they work alone. Association is required for the removal of trees, for the erection of buildings, for the extensive cultivation of land, and for numerous other works beyond the strength and capacity of one man; and even simple labour, employed in hunting and fishing, is most productive when performed by a combination of men. These material advantages come in aid of the natural desire there is in man to associate with his fellow-men, which makes solitude disagreeable and often painful to him. Out of these simple and primitive associations, as population increased and discordant interests arose, and as separations became necessary, sprang tribes, communities, states, and nations, comprised under the general name of SOCIETY.

The products of individual or associated labour, whether intended for present consumption or stored as provision for the future, is PROPERTY—for "property is

the creation of labour, the property which every man has in his own labour, as it is the original foundation of all other property, so it is the most sacred and inviolable."* Individual men or families, at first, stored only for their own wants. From that, by increased industry, they passed to the culture and store of a surplus quantity to supply the wants of others, by the modes of barter and traffic. Thus TRADE arose. When sufficient land had been appropriated to the raising of food for immediate and future wants, and also for the purposes of barter, there arose a desire for, and men's ingenuity was stimulated to invent, useful and convenient, tools and machines, and better clothing; and thus some men abandoned the culture of land and engaged in MANUFACTURES.

The institution of property, and the trade it occasioned, and the inconvenience of carrying on trade by barter, led to the invention of MONEY, as a medium of exchange, and, finally, to the use of the precious metals for that purpose. Money then became the object of especial desire, as the most easy and certain means of obtaining food, and supplying the necessities and comforts of life.

But this extension of the primitive association of men could not have been accomplished without a controlling or governing power. The natural desire for

* Smith's *Wealth of Nations*, chap. x.

superiority there is in man, and the value at which each man estimates his own pretensions to superiority, would render such an association impracticable without an acknowledged chief to preserve order and proper subordination; and to make, or at least to administer and execute, laws for the associated community. Labour could not acquire nor retain the ownership or enjoyment of its fruits, without protection from the strong and the crafty. Desire of safety for person, family, and property, besides the appreciation of the pleasure and advantage of peace and tranquillity, would increase the desire for governing authority, and dictate submission to it. Thus GOVERNMENT was formed, and by its means protection is afforded to the labour and property, and to the persons of men.

We now see the great divergence which arose when man was brought into existence, and framed on the same physiological principles as animals. Whilst they remain in their original state, unmoved by the stimulus of the appetite of hunger, or by dread of famine, to improve their primitive condition; ceasing to labour when they have procured the food which satisfies the immediate urgency; man, dreading deficiency of food, and foreseeing, by his reason, the necessity of providing a regular and constant supply, founded institutions for accomplishing that object. The institutions just described were all designed, or naturally sprang from

man's desire to labour for his food, to systematise the regular supply of food, to exchange it for other food or articles of necessity, and to protect men and food from robbery and violence. These institutions have become the pride and glory of the human race; through them employment is found for the bulk of mankind; and leisure is given to some, by labour of the mind, to devote themselves to the care and protection and the improvement of the rest, in the administration of government, and in the production of works of learning and of science.

It is true that in the inferior creation a few examples are found of similar industry and similar care. The ant and the bee seem to act with all the energy, intelligence, and foresight of man, to make the same careful provision for the future. But few, if any examples of such foresight and care are afforded by the class or species of animals from which, by the hypothesis, man is supposed to have been transmuted. We descend for the example to the class where the nervous organisation is less efficiently constituted, and where instinct is confessedly the moving power. It is for the supporters of the theory of transmutation to explain why so valuable a faculty as that possessed by the ant and the bee, did not pass by transmutation into the higher animals, and how it was transmitted to man.

Labour and property are, then, the primary elements of man's mundane condition. In this there is no change

since the most primitive state of mankind that we can imagine. What the hunter of the primitive times was instructed by nature to do—store his food—civilized man, similarly instructed, continues to do. He calls his store property, and he has a large and diverse quantity of it; but the ultimate test of its value is its convertibility into food. Food still continues to be the first object of every man's desire and care.

The foundation of trade is the constant and unceasing necessity of supplies for the nourishment and protection of the body. There is no trade, no manufacture, no cultivation of land, but that has its origin in the necessities of the body, and primarily, of the appetite of hunger; clothing for warmth, houses for protection, and medicines for the ailments of the body, being accidents of climate, of the condition of society, and of various contingent circumstances which render them secondary to food; and they are superfluous if food be not regularly supplied. Men employed in these several trades and occupations undertake them for the sake of the food which they bring, either in kind, or in money its representative, with which they can procure it. Those who supply the capital and execute the manufactures do so with the same object—the support of themselves and their families. If it be supposed that the works of art which are produced for the luxurious gratification of wealth and beauty are not within the category, we must

remember that their construction is undertaken by the artist or the artificer, who is the actual manipulator, for the sake of the food he can obtain for his work in the form of money. When these works of luxury are sold by the merchant or manufacturer, whose capital was employed in producing them, they are paid for by the stored food of the purchaser; and that which the capitalist or manufacturer receives, he applies, primarily, to obtain food for his family; the remainder becomes capital to be again employed in the same round, and for the same purpose.

There is no occupation which is exempt from this general law. The most disinterested product of the mind—for instance, a book written for the purposes of the purest philanthropy, and without the reward of money—is the performance of one whose life is sustained without recourse to paid labour, because he possesses by acquirement, gift, or inheritance, the stored food which he, or his ancestors, or benefactors acquired by labour. But although he relinquishes his material reward, yet his philanthropy cannot be made available without the aid of the printer, paper-maker, and numerous others, whose aid is given in exchange for subsistence.

The food not required for immediate or prospective consumption becomes, through the operation of commerce and trade, converted into money or capital, which is again expended in the acquirement of property in

land and houses, or in the various species of property used in connection with government, trade, manufactures, and navigation. Whilst in that state, it is employed in aiding the production of food; and is ready to be converted into food when occasion requires. Land reclaimed from nature by labour is used for the production of food: that is the business of agriculture. The owners of land raise the food it produces by their own capital and labour, or they let their land to tenants for rents, which are part of the surplus produce of the land, not expended in the food and other necessaries of the farmer and his labourers. If land is cultivated for timber, the separation of the timber from the soil gives subsistence to the woodman; if it is used for mines, the mining operations give subsistence to the miners; and when the products are sold, the price paid to the vendors, after giving them supplies of food, is again employed in the wages of labourers. Water adds to the general fund of food. It is employed to work mills and machinery. The sea and the rivers supply fish; and governments, by international law, have acknowledged the ocean to be property; giving the coast and the sea three miles from the shore to the nation which it borders, who use it for fishing; and constituting the remainder of the ocean as the highway of nations, for the purposes of mutual trade. Property invested in works of art, in jewels, or in books, is transferred from time to time to those who, by their

industry, or by gift, or inheritance, have acquired more capital than is requisite for their subsistence, and can afford to hold luxurious property, as ornaments and mental enjoyments. But luxurious property is brought into existence by competition for employment, and, therefore, for food, by men stimulated and encouraged by the surplus wealth possessed by other men beyond what is required for their subsistence.

But however various is the property which ingenuity, taste, learning, or skill produces, as in its production it affords, and as it was undertaken to obtain, food and necessaries for its producers, so its intrinsic value afterwards depends upon its fitness for satisfying the animal wants of man;—the same wants that have existed since the creation of man; first, and most indispensable, food; next, habitations and clothing; and then the conveniences, ornaments, and luxuries of life. So that although our requirements are enlarged by experience of the improvements we are able to make in our primitive condition; and the order of desire, and even the present intrinsic value of property, may be inverted by civilization; such a change is conditional on the abundance of food; for in the event of scarcity, still more of famine, food becomes the one thing needful, and every species of luxurious property is greedily sacrificed to obtain it.

CHAPTER III.

Moral Laws of Nature—The Moral Law of Nature for the protection of Labour and the Institution of Property.

THE mundane system, described in the preceding chapter to have sprung from the physiological functions of man as a divergence from the restricted use and operation of the same functions by brutes, has been assumed to be an act of creative power, and the course was traced by which it is probable the several institutions which are comprehended in that system, came into existence. No other than Creative power could have planned and brought into action from the same physiological sources, a system so different from that which preceded it. But we are also constrained to believe that the system required, for its due working, the operation of Laws; for, as has before been remarked, the works of God appear to be regulated by internal and self-acting laws; and not only would it be an imperfection if man were not guided in his moral course by laws, but we know from what exists that he is governed by laws; although men, not without presumption it must be confessed, have claimed to be the authors of them. Their claim is the more remarkable, for up to this day they have been

unable to define the laws to which they are subject; and they still dispute whether they are immutable or mutable, and what are the criteria which distinguish right from wrong.

The Creator would impose on his creatures no laws which he did not promulgate to them. No human legislator would be so unwise or so unjust as to expect or to require obedience to laws that he did not make known, nor could punishment justly follow disobedience, if, indeed, disobedience could be said to occur. If, therefore, the Creator subjected man to moral laws, we may assume, as a necessary consequence, that he made his laws known to his creatures in some manner suited to their apprehensions, and devised so as to render the will of the Governor cognizable by the governed, who do not live under, to them, a visible or audible sway. Revelation, it may be said, was such a mode. But when the earliest revelation we know of was made—the revelation to the Israelites in the time of Moses—mankind had then, adopting the ordinary chronology of the world, existed on the earth between two and three thousand years, and had formed themselves into large communities and nations. Moreover, that revelation was long confined to Judæa, and before its spread by Christianity, Greece and Rome had flourished, and had organised governments and laws based on the same moral principles that subsist in the present generation of mankind.

The Revelation to the Israelites could not, therefore, have been the only, or the first promulgation of the moral laws.

The mode by which the Creator promulgated his laws to the earliest, is continued to the present races of men. It was and is by instilling into their minds and hearts* sentiments or feelings which recognise the laws; and which are roused and excited by disobedience to them, or by witnessing an immoral or unjust disregard of them. Nor are we met here by any philosophical difficulty arising out of the doctrine that innate ideas or innate laws do not exist in the human mind. The great propounder of that doctrine has admitted that "there is a great deal of difference between an innate law and a law of nature; between something imprinted in our minds in their very original, and something that we, being ignorant of, may attain to the knowledge of by the use and due application of our natural faculties. And I think (he observes) they equally forsake the truth, who, running into the contrary extremes, either affirm an innate law, or deny that there is a law knowable by the light of nature, *i. e.*, without the help of positive revelation."†

* The term "heart," in philosophy, is metaphorical: I attach the same meaning to it that Dugald Stewart gave to the word "sentiment," which, he said, "is used by the best English writers to express those complex determinations of the mind which result from the co-operation of our rational powers and of our moral feelings."—*Works*, vol. v. p. 415.

† Locke's *Essay*, book I. chap. iii. sec. 13.

The minds and hearts of men, then, were prepared to receive moral laws, and to recognise moral distinctions, by moral sentiments implanted in the mind, and which every man who reflects on the operations of his mind is conscious of possessing. The same great philosopher, referring to Divine law (whether promulgated by the light of nature or the voice of Revelation), observed, "That God has given a rule whereby men should govern themselves, I think there is no one so brutish as to deny. He has a right to do it. We are his creatures: he has goodness and wisdom to direct our actions to that which is best; and he has power to enforce it by rewards and punishments of infinite weight and duration in another life; for nobody can take us out of his hands. This is the only true touchstone of moral rectitude; and by comparing them to this law it is, that men judge of the most considerable moral good or evil of their actions; that is, whether as duties or sins, they are like to procure them happiness or misery from the hands of the Almighty."*

The immense importance of labour and of food to the happiness, and even the existence, of the human race, required that it should be protected; for if God designed that man should live by labour, and if it be a necessity of their condition that they store food for future supply;—in other words, create property,—protec-

* Locke's *Essay*, book II. chap. xxviii. sec. 8.

tion must necessarily be afforded to the stores of individual labourers from the cupidity of those who, averse to labour, and making no provision for the future, would seek to support their lives on the labour and property of the industrious and provident. And as property could not be, until there was a law which made the distinction between *mine* and *thine;* such a law, if it exist, must be coeval with the adoption of the design of the Creator, that man should live by labour.

The right of every man to the produce of his personal labour is one of those natural rights which Paley admitted to exist—an admission which, when we reviewed his philosophy, was remarked to be inconsistent with the theory of his system. That right with others he stated "to belong to man, although there subsisted in the world no government whatever; and which, if a thousand different persons, from a thousand different corners of the world, were cast together upon a desert island, they would, from the first, be every one entitled to."* Paley has not too strongly stated the general belief in the existence of the natural right, or the acknowledgment of it throughout society. Nor does he stand alone amongst philosophers. Dugald Stewart has given his opinion "that the right of property is founded on a natural sentiment which must be felt in full force in the lowest state of society;—the sentiment of a moral con-

* *Ante*, p. 22.

nection between labour and a right to the exclusive enjoyment of the fruits of it. That industry is entitled to reward, and the labourer is entitled to the fruits of his own labour, he considered may be fairly stated as moral axioms to which the mind yields its assent, as immediately and necessarily as it does to any axiom in mathematics or metaphysics."*

The first instance of theft must have revealed a law knowable by the light of nature. We can imagine from our own moral sentiments and feelings how an untutored savage, who had placed in store the venison and fish caught by his labour, and preserved for the subsistence of his family in winter, would be affected by the discovery that he was robbed of his store. Our own consciousness teaches us that he would feel a strong sense of injury and injustice, mingled with despair from his gloomy anticipations of the privation and suffering which the loss would bring on his family; accompanied also by resolves of forcible restoration, and of punishment and revenge. In these feelings he would follow nature as we see it exhibited in brutes. Every animal possessed of natural weapons resents the withdrawal of his food, and resists the depredator as far as his power permits. The bees, which have been noticed as natural examples to man of storers of food, oppose with fury the withdrawal of their honey; which can seldom be

Active and Moral Powers, book IV., Supp. to chap. ii.

accomplished without stupefying them, or even putting the whole hive to death. When we consider the effect of the discovery of robbery on neighbours and others, our own consciousness makes us know well what will happen. The friends and neighbours of the supposed savage will feel the same sense of moral injury and injustice without the pangs of loss, but accompanied by feelings of sorrow and commiseration for the family deprived of their winter stores, and by a resolute determination to assist in the recovery of them, and to detect and punish the thief. The thief himself, knowing that he has robbed his neighbour of the fruits of his labour, is conscious that he has acted contrary to a natural distinction in his mind and heart between *mine* and *thine;* and is aware that his theft has brought upon him the reprobation of all who know of it.* If detected, he would appear before the community tortured by a sense of shame and disgrace; and, whether detected or not, he would, when he reflected on the nature and consequences of his act, be visited by remorse. I know not what is wanting to make it plain that there

* "There is in reality no rational creature whatsoever, who know not that, when he voluntarily offends or does harm to any one, he cannot fail to create an apprehension and fear of like harm, and consequently a resentment and animosity in every creature who observes him. So that the offender must needs be conscious of being liable to such treatment from every one, as if he had in some degree offended all."—Shaftesbury's *Inquiry concerning Nature*, part iii. sec. 1.

is in every human mind and heart, a law knowable by the light of nature, nor in what other terms it can be expressed than these—"Thou shalt not steal."

But let us test this induction by the utilitarian doctrine, that the law was made by men from observation and experience of the utility of the law, and of its tendency to promote the greatest happiness of the greatest number. This treats the law as conventional or municipal; and as resulting from observation and experience, there must, by force of the hypothesis, have been a time when the law did not exist—and consequently, when property was not instituted, and when the distinction between mine and thine had not arisen. These objections to the utilitarian hypothesis appear to have been found so forcible by Austin (as we have seen*), that he rested his arguments in support of his theory of utility, by assuming as a postulate that theft is in its nature harmless. According to this view, the law, "thou shalt not steal," is restrictive of the natural rights of mankind; and, therefore, no general sentiment of the immorality of stealing should prevail; there should rather be a sense of injustice on account of the restriction of natural rights. And we really do perceive very different feelings prevail with regard to laws that restrict natural rights,—such as those against poaching and smuggling,—and those which prohibit the abstraction of

* *Ante*, p. 31.

property admitted to be private and personal. It is difficult to persuade men who reason on the natural sentiments, without considering the exigencies of government, that they are equally culpable, and as properly punished, for disobeying municipal laws that restrict the primitive rights of hunting and shooting, and transporting their property unreservedly from one place to another, as for breaking the law against theft; to which they yield, without murmur, a natural and moral obedience.

But the Utilitarians have treated "thou shalt not steal" as a municipal law, whereas it founded an institution; the institution of property which is the base of the system of social life designed for the human race by the Creator. The law which institutes and protects property also protects labour, sustains life, causes population to increase, is the foundation of society and of government. Viewed as enacted for the sake of its utility, it is a secondary not a primary law; it is human not Divine. We cannot therefore ascribe to human origin a law which is the essential element of an entire system, that without the law could not exist or would be inoperative. If God contrived the system of social life for the human race, He made the law "thou shalt not steal," and implanted it in the human mind as an inflexible law; not to be evaded by any consideration of the utility of the actions forbidden, but simply to be obeyed.

CHAPTER IV.

Moral Law of Nature for the Institution of Marriage, and for the raising and protection of Families.

DESIRE of happiness and aversion to misery are powerful stimulants to human action, and are innate in the human mind. "Nature (observes the great philosophical opponent of innate ideas), I confess, has put into man a desire of happiness, and an aversion to misery: these, indeed, are innate practical principles, which (as practical principles ought) do continue constantly to operate and influence all our actions without ceasing: these may be observed in all persons and all ages steady and universal; but these are inclinations of the appetite to good, not impressions of truth on the understanding."*

There is no happiness enjoyed by human beings equal to that derived from marriage, whether we consider the positive happiness afforded by the union of the sexes, or the misery of a life of domestic solitude which is averted by marriage. The association of male and female is, beyond all other associations, natural. They are formed by nature to live together; and the qualities and faculties, physical and mental, peculiar to

* Locke's *Essay*, book I. chap. iii. sec. 3.

each, are, when they are apart, useless and unemployed; whilst combined, they are adequate to the production of happiness of the highest form and degree. But without the union of marriage,—in a temporary, or unplighted union,—these natural qualities and faculties cannot combine. Union for life can alone create that mutual love and confidence that brings forth the natural qualities, and applies them, in their different ways, to the production of the mutual happiness of the wedded pair.

To that mutual contract designated Marriage, nature leads, by the affections and feelings, as well as by the desires implanted in the human race; and she confirms and also enjoins the natural bent by bringing the sexes into existence in numbers nearly equal. Nature produces the passion of love between the sexes, which is founded on natural sentiments as well as desires. The instinct and desire of two young people feeling this passion for each other, is to pair—no happiness can enter into comparison with theirs. Neither is satisfied with anything short of the exclusive affection of the other; nor can they contemplate any other termination to their mutual affection than death. They have no other thought than virtuous love. In imagination they look forward to the enjoyment which a union so lasting will produce, and they form plans of life in which the labour of the man shall provide the domestic necessaries and comforts for the wedded pair, and for the

children which shall spring from their inseparable union. This plighting of mutual love and fidelity, when publicly ratified, by some rite or external acknowledgment, is Marriage, however simple the ceremony may be.

The marriage compact has regard to the fact that the children being borne by the wife, the support of them would fall solely upon her, if deserted by her husband; and, therefore, it is not only a pledge of mutual and exclusive love and fidelity, but, on the part of the husband, an engagement to labour for and maintain his wife and children. Nature facilitates performance of the husband's duty. It takes care that what is propagated shall be loved; and it often renews the mutual pledge, by the production of new ties of love and affection. Children arrive in succession and call forth and maintain parental love. Each child long continues in a helpless state; and the parental care (unlike that of brutes, which ceases as soon as their offspring no longer require the food from the mother) continues until the children are reared and educated, and are naturally ready to marry, and to become parents themselves. The children acquire a mutual and instinctive love which prompts them to take interest in each other's happiness and well-doing; and, if virtuously brought up, they, although separated into families of their own, regard their parents with affection and reverence, which

continue until, in the course of nature, the parents die. The grand-children renew the love, and strongly interest the feelings of the original pair, who, in contemplating them, look back to their early days, and feel the fondness of their early youth. Thus Families are instituted.

Polygamy, it is true, is adverse to the union of pairs; but it is also adverse to the natural feelings of women, in whom sexual love is generally secondary to a sentiment of pure affection, and to desire for the sole affection and love of the man. Rivalry raises in her especially, the fierce passion of jealousy. In countries where polygamy is permitted, the mass of the men confine themselves to one wife; either through the difficulty of supporting the children of more than one woman, or through the prevalence of the natural feelings which lead them to fix their affections on one woman exclusively. Amongst the Hindoos and Mahometans in India, a man who confines himself to one wife is admired and respected above the polygamists; when polygamy is preferred, it is often from lust, which men are able to gratify by their wealth and power. The consequence of it is, that the women are treated as instruments of pleasure, and the family relations do not exist in that purity, or with that union of interests and affection which the family of one pair enjoys. It does not, however, exclude fidelity; and the fidelity of the

woman is rigidly enforced. It is held to be immoral by civilized and Christian nations, as contrary to the design of Providence in the institution of marriage, and as infringing the dictate of nature in the numeral equality of the sexes.*

Marriage is part of the moral as well as of the physical arrangement of our nature. Upon the institution of marriage, the perpetuation of mankind depends; through the formation of families, and by their union in society.† Promiscuous intercourse could neither produce the sentiments and mutual confidence in which families originate, nor secure to children the protection and care which they have a natural right to receive from those that beget them. There is no conjugal power in him who is

* The Mormons, who are the most recent instances of a society founded on polygamy, justify their adoption of it, by the example of the Patriarchs, and of Solomon and David. They punish adultery with extreme severity, holding "that the man who seduces his neighbour's wife must die, and his nearest relation must kill him." Educated women so overcome their natural feelings as to submit to this marital relation, in full belief of its morality and purity. See Burton's *City of the Saints*, p. 517.

† "It is the work of nature that children are beloved by their parents; and from this first principle we may trace the whole progress of the common society of the human race."—Cicero, *De Finibus*, book iii.-xxx.

"Marriage is the parent and not the child of society."—Story's *Conflict of Laws*, p. 193.

"The contract of marriage is the most important of all human transactions. It is the very basis of the whole fabric of civilized society."—Lord Robertson on Fergusson *on Marriage and Divorce.*

not a husband, and natural affection is absent when paternity is doubtful. Against the prevalence of promiscuous intercourse, and its displacement of marriage, even in the savage state, nature strongly appeals by the feelings and sentiments, and the provisions necessary for children, which have been described; by the natural modesty of women; and by the desire which God has implanted in man to possess children from his body, and to perpetuate himself in them as natural inheritors of his name and property.

As nature has implanted in the human mind sentiments which urge the sexes to pair, and marry, and continue in marriage, so she has raised up sentiments and feelings which follow and denounce its untimely dissolution. The chief danger to which marriage is exposed is infidelity. By it the marriage is virtually dissolved; and then comes forth the reverse of the picture which the marriage called into existence. The duty of mutual fidelity has been disregarded, and the right which each had to the exclusive enjoyment of the other is infringed. As the general consequence of adultery, the protection which the marriage provided for the children is put in jeopardy or destroyed. It is an outrage not only on the marriage compact, but on the love and affection which grew up through the intercourse of marriage, and which spread through the family that it formed, over which adultery casts a reflected disgrace.

It shocks the moral sentiments of those who have witnessed the previous happiness; it gives to the wrong-doer a painful sense of desertion of duty, and of degradation; and a consciousness of having broken a compact, cemented by the warmest, tenderest, and most sacred vows. The hand of God seems visible in all that leads to, and that results from the institution of marriage, and in all that follows from its immoral termination. God and nature and reason alike denounce adultery as a moral crime; and, as early as marriage was instituted, the law required for its preservation entered into the human mind and heart, "Thou shalt not commit adultery."

CHAPTER V.

Moral Laws of Nature for the protection of Human Life and for the production of Truth.

THE Laws of Nature whose origin and growth have been traced, have a double operation. The laws "thou shalt not steal" and "thou shalt not commit adultery," are not only prohibitive and directive, but they are also constructive. By their operation the institutions that have sprung from the two great appetites—property and marriage—the fundamental institutions of the human race —were constructed and are protected. The laws now to be considered do not construct institutions; they are protective of the institutions constructed by the other two laws, and they have a general relation to human society.

The crime of murder does not issue from any appetite as its special and fundamental source, although it is incited by both the appetites. It proceeds from the outbreak of that ferocity or of that lust which man derives from his animal nature, and from which comes his love of war, of feats of daring, of adventure, and of the chase. That ferocity sometimes carries him so far as to make him gratify his rage by employing against

the object that excites his anger, the natural weapons of the brute.*

We occasionally hear of murders that can be traced to no motives springing from the temptations of the appetites, and we are sometimes startled by accounts of murders that bear close resemblance to the brutal type. These, if the motives could be traced, would probably be found to owe their origin to revenge for some fancied or real injury, or some personal disgrace, real or supposed. But, with these occasional exceptions, murder is usually employed to facilitate the commission of crimes designed to gratify the appetites, or as protection against the discovery of crimes previously committed.

Murder is the highest crime which man can commit. It admits of no recompense; no repentance can restore life. The human race could not exist, or increase, unless men were restrained from destroying each other, whenever tempted by their appetites or stimulated by their passions. God has put into man's mind an intuitive horror of murder, and a sense of its wickedness

* A remarkable instance of the use of natural weapons appeared in the *Times* of 17th December 1861. A man was charged before a Magistrate and committed for trial for entering a shop in pursuit of a woman, and there maltreating the shopkeeper who protected her. He grasped him by the hair, forced him back on the counter, and seizing his neck with his teeth, he bit a piece of flesh out of it. He was prevented in his attempt to repeat the bite; but if he had succeeded (the surgeon reported) in making another bite he would have pierced the jugular vein and death would have ensued.

exceeding all other crimes. Human nature speaks out when murder is committed. The natural love of life, the sudden and painful death, and the mutilated body, shock the feelings of every one who contemplates the effect of the action. The murderer is execrated; all men naturally shrink from contact with him. Every one dwelling within the influence of the occurrence, rouses himself to discover the murderer, and does not cease until the discovery is made, or it becomes hopeless by human means; and in the latter case, discovery is looked forward to as certain to come from the hand of God. The safety and peace of individuals, of families, and of society, as well as the preservation and increase of population, required a law that should be deep in the human mind and heart; and in the natural feelings of man was founded the highest and most penal of the moral laws of nature—"Thou shalt do no murder."

Another great fundamental crime of human nature, LYING, is for the most part prompted by the appetites, and is the instrument of their crimes; although it does not issue directly from the appetites. It is inherent, and an accessory in every crime in which it is not the principal. Every crime is planned and perpetrated, as far as possible, in secrecy; and so long as it is hidden by concealment, there is an acted lie. But it is a vice separable from actual crime, for it is often used for other purposes than the attainment of criminal objects.

It seems an equivalent in the human race for those advantages which animals have through their instincts, by the exercise of cunning, and by their powers of swift locomotion, to protect themselves from danger; for lying is practised without any sense of crime, or even of impropriety—or, at least, without subsequent remorse—by the weak, to protect themselves against the strong or powerful, and especially by children or slaves. But when it is the principal crime—when by its means property is fraudulently obtained; or an innocent person is defrauded or overreached by false representation; or when the highest phase of the crime, perjury or false witness in tribunals of justice, is committed, then lying has the characteristics of the other natural crimes. It tends to defeat the institution of property by breaking the law, "Thou shalt not steal;" it may be made the instrument of accomplishing the murder of an innocent person through false testimony or by false information; it may be employed in the seduction of the wife of a neighbour. Like the other fundamental moral laws, it raises up peculiar feelings in those who perpetrate the lie, as well as in those who witness its perpetration or its effects. The convicted liar exhibits before his fellow-men a most humiliating spectacle; he is covered with shame, confusion, and disgrace. He is conscious that he has sunk irrecoverably in the estimation of those who know him; and that he will carry with him their contempt

and reprobation until the end of his life. Like the crime of stealing, with which lying is connected, it is looked upon as evidence of an inferior soul, from which all the nobler qualities of humanity are absent. Can we, then, doubt that God raised up in the human mind and heart, the law, thou shalt not Lie—or, as directed against the most pernicious effect of the same law, "Thou shalt not bear false witness against thy neighbour?"

Such is Nature's moral code. It consists of four laws: Thou shalt not steal; Thou shalt not commit adultery—which are constructive of institutions as well as protective; Thou shalt do no murder; Thou shalt not bear false witness—or the law of truth,—which are protective only. If I have expressed them in the language of Revelation, it is because I can find no terms so appropriate. They describe accurately the acts forbidden, according to indications derived from the facts of nature. It is part of my plan to shew that they contain within themselves the principles of all the laws necessary for the moral government of man. If exception be taken that the moral sentiments, and affections, and feelings, on which the indications are founded, are not implanted or innate principles in the human mind, but that they are acquired; the objection may be answered in the words of Mackintosh:—"Nothing in this argument turns on the difference between implanted and acquired principles. As no man can cease by any act

of his to *see* distance, though the power of seeing it be universally acknowledged to be an acquisition; so no man has the power to extinguish the affections and moral sentiments (however much they may be thought to be acquired), any more than that of eradicating the bodily appetites."*

* *Ethical Dissertation*, sect. Bentham.

CHAPTER VI.

Analysis of Moral Evil—Moral Evil the Effect of Disobedience to the Moral Laws of Nature.

If there are Laws, we must naturally expect that there will be Disobedience; for if there be no choice of action, what we call laws are more properly decrees by which man is irresistibly bound. But all experience shews that man, in his mundane affairs, has choice of action; and when he makes a choice which contravenes the moral laws of nature implanted in his mind, he does an action which is called Moral Evil.

Evil is usually divided by philosophers into two classes:—1st, Natural or physical evil; 2d, Moral evil. The former comprises those pains and inconveniences, sufferings and disappointments, that occur in the world independently of human agency, from the qualities of matter, or the course of nature; such as accidents and injuries from storms and tempests, pestilence, bodily pain, and diseases. It also includes the injuries, sufferings, and disappointments which fall upon some men, independently of their own agency or conduct, through the evil or immoral actions or conduct of other

men. Moral evil comprises the crimes or immoral actions of men, produced by their own agency.

Natural evil is, for the most part, beyond the range of man's power or influence. But moral evil, and that branch of natural evil which is the consequence of man's immoral actions, and which I shall call physico-moral evil, proceed from men; and the acts that produce them are prohibited by nature's moral code. Their primary sources are the two appetites, and under each respectively the investigation is arranged.

Hunger.

The appetite of hunger is the ultimate source of the largest portion of moral evil, since it has given rise to the chief institutions of human nature, viz., labour and property. The induction will be remembered that property is food stored for the supply of the appetite of hunger, and that trade and commerce are wholly employed in providing, and storing, and circulating food. The natural relation between hunger and food is carried on between hunger and property, or stored food.

The appetite of hunger being then the origin and base of property, and the support of trade, is also the origin and base of crimes against property; which are divisible into three classes:—

1st, Open theft, accompanied or not by force or violence; and theft by means of fraud and dishonesty, without force or violence.

2d, Moral evil, proceeding from the direct action of the appetite of hunger.

3d, Physico-moral evil, or the sufferings which fall upon innocent persons through the moral evil of other persons.

1st, In the first class are the crimes which relate (but not exclusively) to trade. The natural law, "Thou shalt not steal," includes within its ample scope all modes of stealing, whether manual, or by fraud and artifice. The desire of property is so intense as to create an appetite for it almost as vehement and insatiable as its parent, hunger. From it flows overreaching, lying, false representations, false witness, and other modes of secret fraud and dishonesty appertaining to trade. When all pretence of honesty is discarded, the same desire leads to robbery and rapine, carried on by every means, and promoted by every sort and degree of violence, and by the infliction of every degree of bodily hurt and injury up to murder itself. By this desire the passion of avarice is roused.*

The gains of trade, and the varying demand for, and

* "There are two sorts of avarice; the one is but of a bastard kind, and that is the rapacious avarice of gain, not for its own sake, but for the pleasure of refunding it immediately through all the channels of pride and luxury. The other is the true kind, and properly so called, which is a restless and insatiable desire of riches, not for any further end or use, but only to hoard, and preserve, and perpetually increase them."—Cowley's *Essay on Avarice.*

supply of, personal labour, produce competition among men. The desire by two men for the same thing which cannot be enjoyed by both, makes them inimical to each other; and each, to obtain his desire and outdo his rival, endeavours to overreach, subdue, or destroy the other. From competition proceed detraction, slander, lying, perjury, quarrels, fights, and other violences; and it rouses the passions of envy, hatred, malice, and revenge.

It is needless to specify the crimes which arise from the desire and the attempts to obtain money unlawfully, in order to escape from honest labour. As money is the representative and concentration of property, so it produces every species of crime. The whole catalogue of moral evil must be quoted to shew the crimes which result from the desire to obtain money to gratify the bodily appetites and tastes in opposition to nature's law, that man shall earn his food by labour.

2d, In the second class of moral evil, or crimes from the direct actions of the appetite of hunger, those proceeding from the want of property, or poverty, must be placed first in order. The hungry must be fed, if not, a fearful list of crimes is employed to supply the appetite unlawfully. Midnight robberies, burglaries, and murders, proceed from the haunts of misery and want.*

* The ordinary of Newgate, in his report, published in the *Times* of 11th February 1857, after referring to two then recent cases of the murder of children by their mothers, stated, "that the cause of both

The over-indulgence of the appetite of hunger produces crimes not less fearful. Drunkenness, by which all the restraint of the mind is removed, and the animal appetites and passions gain complete ascendancy, is the cause of moral evil of every description. Gluttony, in its most vulgar form, is not a vice of modern days: it has yielded to the refinements of cookery, and the elegancies of the table.* But the competition which luxurious displays call forth, is often the cause of moral evil. Families are set up in establishments which they have not the means to support, relying on good fortune in business, on speculation, or on some contingent success, which, not arriving, debt is incurred, integrity is

crimes appeared to be want of means to support the children;" and he added, "that there is hardly a crime that brings offenders to Newgate that does not sometimes arise from the pressure of want; and while the street thief, the burglar, and the highway robber pleads this as his excuse, it occasionally urges the greatest culprits to commit the foulest crimes."

* The moral and physiological effect of indulgence in the pleasures of the table is thus described by the Rev. Sydney Smith, in letters published in the memoirs of his life, by Lady Holland:—"22d December 1836—age 65.—Looking back at my past life, I find that all my miseries of body and mind have proceeded from indigestion. Young people in early life should be thoroughly taught the moral, intellectual, and physical evils of indigestion," vol. ii. p. 396. "I am convinced digestion is the great secret of life; and that character, talents, virtues, and qualities are powerfully affected by beef, mutton, pie-crusts, and rich soups. I have often thought I could feed or starve men into many virtues and vices, and affect them more powerfully with the instruments of cookery, than Timotheus could do formerly with his lyre." *Idem*, p. 405.

forfeited, crime is perpetrated, and the career terminates in bankruptcy, punishment, and ruin.

3d, The third class relates to physical evil, the consequences of human actions—to physico-moral evil. Crime is generally followed by loss and suffering to innocent persons, greater and more permanent than the temporary benefit obtained by the factor of the crime. The thief is seldom or never able to procure the real value of the property he steals. But when we rise in this class to the abuse of power, and to ambition, by public as well as private men; physical evil through human agency will be seen to constitute a large, indeed much the largest, portion of the suffering of mankind; whilst it involves the actors in moral evil.

Property, when accumulated to a large degree, gives power, which begets pride and love of domination; and these, even when they are not carried so far as to lead to actual crime, often produce great injustice, undue severity towards dependants, and, as a necessary consequence, innocent suffering. Power obtained through property gives prominence in public affairs, and nourishes ambition,* which seeks personal gain, as well as public

* "Of all the passions that influence the human mind, ambition is the most fierce and ardent; of power to extinguish every other sentiment."—Tacitus' *Annals*, book XV. 53. Sallust says, that "it is in the nature of ambition (ambitio multos mortales, falsos fieri cogit, etc.) to make men liars and cheaters, to hide the truth in their breasts, and shew like jugglers another thing in their mouths; to cut all friendships

position; and it is often carried to the extent of overthrowing settled government, and appropriating its power. Then arise tyranny, tumults, seditions, wars,* conquests, revolutions;† which besides the moral evil in which they involve the possessors of power, their ad-

and enmities to the measure of their own interest; and to make a good countenance without the help of a good will."—Cowley, *Essay on Liberty.*

* "Nothing else but the body and its desires, occasion wars, seditions, and contests; for all wars amongst us arise on account of our desire to acquire wealth; and we are compelled to acquire wealth, on account of the body being enslaved to its service."—Plato, *Phædo*, sec. 30.

† Two eminent writers, without designing it, have given testimony to the truth of the theory on which this chapter is based. Arago, in his *Eloge on Bailly*, narrates that the political movement in France in 1789 was preceded by storms in the summer of 1788, which injured the wheat harvest; and by the severe winter of 1788-9, which was the cause of severe suffering amongst the people. On the 15th July 1789, when Bailly accepted the appointment of Mayor of Paris, it was ascertained that the stock of grain would be exhausted in three days. He then proceeds:—"The multitude understands nothing, hears nothing, when bread fails; a scarcity, either real or supposed, is the great promoter of riots; all classes of the population grant their sympathy to whoever cries, 'I am hungry.' This lamentable cry soon unites individuals of all ages, of both sexes, of every condition, in one common sentiment of blind fury; no human power can maintain order and tranquillity in the bosom of a population that dreads the want of food."

Mr. Carlisle has taken the same view of the cause of the French Revolution. "Hunger and nakedness and night-mare oppression lying heavy on twenty-five million hearts; this, not the wounded vanities or contradicted philosophies of philosophical advocates, rich shopkeepers, rural noblesse, was the prime mover in the French Revolution; as the like will be in all revolutions in all countries."—*French Revolution*, part III. book iii. chap. 1. Our country may owe its

herents, and their instruments, occasion much physical evil to innocent persons, through imprisonment, banishment, sacrifice of life, destruction of food and property, and numerous other physical evils, which it is more easy to imagine than describe.

Appetite of Sex.—Its Moral Evil and Physico-moral Evil.

No elaborate proof is required to show that the appetite of sex is a fertile cause of moral evil. The happiness which arises from the married state, and from the parental and family affections, of which this appetite is the origin, has been described. When by marriage it is put under the authority of the law, "Thou shalt not commit adultery," the enjoyment of it is innocent; it corrupts neither the mind nor the manners. But far otherwise is its effect on the minds and manners of those who give themselves up to promiscuous intercourse. Their habits are displayed in their appearance and in their conversation. The female loses all modesty and delicacy, and has herself a consciousness that she deserves the degradation to which society dooms her. Disease, the consequence of promiscuous intercourse, which in its

exemption from popular revolution to the legal provision that is made for the poor; and to the care of the suffering people, taken in times of depression of trade, or scarcity of food.

fearful effects seems to bear witness to the law of marriage which nature constituted, often mutilates the person, and renders the body noisome. Women give for money what nature designed to be the special gift of their love; and which a true man receives as the highest reward of his life, for which he has pledged to the woman life-long affection, and his labour for her support. It must be admitted, however, that the regulation of this appetite is a difficulty not easily arranged in a state of society where a large proportion of men and women are unmarried, and are unable to marry for want of means to support a family. The moralist can only say, "obey the moral law;" but he cannot overlook the exigencies of human nature. Nor can he overlook the fact, that the sexual appetite, both in the married state and in the unmarried state, is a fertile source of moral evil. In the former state, it produces adultery and its attendant evils; and in both states, more or less, there flow from it, seduction, prostitution, child-murder, rape, incest, sodomy, as the direct crimes of the appetite; which inflict a large amount of physico-moral evil amongst the families and connections of the inculpated parties.

But the appetites are the causes of other crimes than those which flow immediately from them. The sexual appetite, in its power over the young, from the impure attachments it leads them to form, produces, almost as

its direct evils, drunkenness, lying, robbery,* and even murder. Drunkenness, proceeding from the other appetite, stimulates to the commission of the sexual crimes. They too, who, to avoid labour, live in habitual dishonesty, indulge in the vices, and are incited to the crimes of both the appetites. Thus the several causes of moral evil act and react upon each other and produce still more evil.

This analysis and classification of moral evil give us one induction on which we should deeply ponder—that, in all its forms, the actions are voluntary, and not the necessary consequence of man's mundane condition; and that much the largest portion of physical evil which afflicts mankind, is the result of the moral evil of individual men.

* "I have been grieved to observe what a large amount of depredation is committed by prostitutes."—M. D. Hill, on *The Repression of Crime*, p. 74.

CHAPTER VII.

Analysis of the Passions: the Passions not Original Causes of Moral Evil, but only Stimulants to Disobedience to the Moral Laws of Nature.

It is interesting to consider in what degree the passions share in the production of moral evil, and in what manner they act. The passions are common to man and brutes, and they belong therefore, to the animal part of our nature. Both feel joy and grief, love and hatred, hope and fear, pride or vanity, emulation or ambition, envy, anger, sullenness, covetousness, malice, rage.

Some of these passions are innocent in their nature, as joy and grief, hope and fear; but the others have been called by philosophers the *malevolent* passions. These may be divided into two classes, those which prompt injury to others, by open and violent, or by secret action; secondly, those which are roused for the gratification of the personal feelings of those who indulge them, but which do not necessarily involve injury to others.

Of the former class are anger, envy, hatred, malice, revenge.* Some of these, when roused, may be long sus-

* "A man hates because he sees somewhat in that which he hates, contrary to that which he loves; a man is angry, because he sees something in that wherewith he is angry, that gives impediment and inter-

tained without producing action; whilst others, when they are overcharged, burst out into some violent act or conduct, repented of, for the most part, when the mind recovers its sway.

Of the other class are vanity or pride, covetousness, avarice. These are more unceasingly in play; but they exhibit themselves rather in inward sensation than in outward action affecting others. Pride, when openly exhibited, shews itself in a confident and arrogant carriage of the body, and in dictating speech. Avarice and covetousness derive their chief gratification from the secret contemplation of the possessions, advantages, or prospects, on which they feed; and it is to increase or improve these that they sometimes proceed to action.

These corporeal passions are to be distinguished from the affections of the mind, sometimes called passions, such as benevolence and compassion; and there is between them a broad and essential distinction—that the tendency of the former is to produce *evil;* of the latter to produce *good.*

Although the tendency of the corporeal passions is to evil, yet while they are restrained from *action* they are not absolutely evil. They may be injurious to the temper or disposition of him who indulges them, but it

ruption to the accomplishment of that which he loves."—From a speech of Pym in a conference with the Lords, regno Charles I., *Parl. Con. Hist.*, vol. viii. p. 171.

would confound moral distinctions, if an intention to commit a crime, afterwards abandoned, were equally culpable with the act. "Perfection (says Bishop Butler in reference to the maintaining of the appetites and passions under the direction of the conscience), though plainly intelligible and supposable, was never attained by any man. If the higher principle of reflection maintains its place, and, as much as it can, corrects disorder in the moral constitution, and hinders it from breaking out into action, this is all that can be expected in such a creature as man."*

But these passions break out into action, and produce moral evil. We must, therefore, inquire further, and endeavour to discover what causes the excitement of these passions, and whether they exhibit any sources of moral evil apart from the appetites. In this we may be assisted by considering what rouses the passions in brutes; for the passions being animal, we are justified in looking for the causes of their action in the animal nature. They can be no other than the appetites; opposition to their gratification, rivalry in the competition for food or other desired object, the success of the rival, or the discomfiture of the vanquished. The same appetites and desires operate upon man, and produce the same results. The struggle for money, or other property, for distinction in the world, competition in love or in

* Butler's *Sermons*, No. 3, on Human Nature, note.

business, the success of a rival, our own discomfiture, or real or imagined injury, insult, or disgrace, are the same causes that rouse the passions in brutes, under a new phase produced by the different condition of men. And it is to be remarked that circumstances not referrible to the appetites and animal condition of man, do not excite the malevolent passions, at least to the extent that produces action. It is indeed conceivable that superior mental or moral attainments, even when unassociated with worldly distinction or worldly advantages, may excite the passion of envy by a comparison of those virtues with conscious inferiority; but, in general, no one is envious, or jealous, or angry, or revengeful towards another, unless the mental qualities are united with worldly advantages, which give distinction in the contest of life, or produce some gain or applause in the world.

We seem, therefore, justified in concluding that the passions are not original causes of moral evil, nor simply as passions, without action, morally evil; but only the spark, as it were, by which the train is fired, that connects the evil action with its primary cause. We, in the passions, find no new and independent cause of moral evil, but only the stimulant which, by increasing the power of the appetites, or diminishing the restraint of the reason over them, produces action; that action involving the same, and only the same, forms of moral evil

that have been shewn to proceed primarily from the animal appetites.

The passion of anger, however, requires some separate notice, as it is roused by more fleeting and less vicious causes than the other passions. In its simplest state it is nothing more than an animal instinct, given by nature for self-defence, when danger presents itself, and there is no time for deliberation. It shows its animal origin in the brisk flow of the blood to and from the cheek, in the changes of expression in the face, and in the increased energy of the body. Its most frequent cause is a sense of insult, or of treatment at variance with our self-esteem. That the natural passion is not evil without action, may be inferred from St. Paul's precept—"Be ye angry, and sin not;" * the sense of which, as interpreted by Bishop Butler, "is certainly this, Though ye be angry sin not." †

Brutes shew their anger by immediate action. They immediately attack the animal that has roused them, and strive to injure it, unless they are restrained by fear from entering into combat. So man's first impulse is to attack the man that rouses his anger, if within his reach, or unless he is restrained by fear of superior strength; and, where the command over the passion is weak, and is not supported by social considerations, the display of anger generally follows the brutal type. If it evaporates

* Eph. iv. 26. † Butler's *Sermons*, No. 8, On Resentment.

before action, as it often does, it is soon followed by the natural serenity, and by complacency with the cause that roused it. But if circumstances force suppression, and the insult or exciting cause be not satisfied, anger resolves itself into settled hatred, and waits its opportunity for gratification by secret or open revenge. It then becomes the parent of moral evil.

Anger is often roused by causes that have excited our mental emotions, and especially our moral sentiments. When we are witnesses of baseness or villany, of cruelty or injustice towards others, or are conscious of unprovoked or unjustifiable conduct towards ourselves, a mixed animal and mental passion arises—a lofty and deliberate anger which receives the name of resentment or indignation.* This is a virtuous feeling arising from an incorporation of the animal anger with the moral sentiment of justice. Its direct tendency is not to moral evil, but to the prevention or the punishment of it. In this form anger has a special duty for good—that of rousing the mind to a state of energy to protect the injured, to prevent or redress injustice, and to defend just rights and principles; all which, without the aid of anger, might be allowed to pass unregarded, through indolence, or fear, or despair.

* Butler's *Sermons*, No. 8, On Resentment.

CHAPTER VIII.

Demonstration of the existence of the Moral Laws of Nature from their being the ultimate Principles of Government and of Jurisprudence; and of the Moral Rights and Duties of Mankind.

To bring the Laws of Nature which the induction has developed to the test of Jurisprudence, is a crucial experiment. It is to try whether they contain within the range of their jural conceptions, the laws which society has found necessary for government and protection; and not only in one nation or state, but in every one, whether adhering to primitive ideas and manners, or expanded and become artificial through high civilization.

Philosophers and jurists have brought forth many and various theories concerning the origin of municipal law; although, on the other hand, it has very recently been observed, by competent authority, that "if, by any means, we can determine the early forms of jural conceptions, they will be invaluable to us."* Utopian plans of government and systems of laws adapted to a supposed state of nature have been conceived; but, founded on visionary and fanciful, and not on the actual and real circumstances and condition of mankind, they

* *Ancient Law*, by H. S. Maine, 1863, p. 3.

have, like unsubstantial phantoms, passed away, and left remaining the doubt and uncertainty which they were designed to dispel.

"To live according to nature" was the pure aspiration of the Stoic philosophy; but that only meant that men should regulate their desires and their conduct in accordance with the simplicity and moderation of nature; and should thus avoid the passions and discords which the abuse of nature entails. But neither the Stoics nor their successors have traced the fundamental laws of human society to nature, although the high principle of their philosophy ascribes moral government to the hand of God. Their rivals, the Epicureans, and their modern successors, have wholly departed from that reverent principle, and have ascribed moral law to the observation and experience of men.

We have, if the induction be accepted, traced the rise of four fundamental laws from nature; or, if the phrase be more approved, "laws knowable by the light of nature,"—the light which nature cast on the mind, the conscience, and the moral sentiments of men, when she educed these laws from their hearts, and ratified them by their moral convictions. These laws—"Thou shalt not steal;" "Thou shalt not commit adultery;" "Thou shalt do no murder;" "Thou shalt not bear false witness;"—directed to the restraint of the appetites and passions of the body, have formed, by their

operation, the institutions of property and of marriage; from which have sprung families and communities, and, by the combination of these, society.

We have now to examine whether these laws,—nature's moral code,—contain within their jural conceptions the positive laws which society, divided into nations and states, adopts, and finds it necessary to adopt, for government and protection. It will be immediately conceded that laws to prohibit murder and adultery, theft and lying, have not ceased to be necessary for the protection of individuals, families, and communities; and for deterring, by punishment, individual men from committing the crimes against which these laws are directed. Nor does there exist any history or record of the human race, sacred or profane (except the fanciful and visionary productions of poets), nor can any such be imagined, in which human conduct does not exhibit these crimes, with laws to repress them. The antiquity, the general spread, the continued duration, and the present existence of these laws, are strong affirmative proofs that they are the primitive and fundamental laws of human society; and we find corroborative proof when we connect these elements of originality with the universal testimony of mankind to their appropriateness to the human condition, and to their correspondence with the sentiments and feelings of their hearts.

But the proofs are accumulated to demonstration

when, in addition to the primitive existence of the laws, and their conformity with the moral sentiments of mankind, we find that these primitive laws comprehend all the crimes of human society.

1. The law which prohibits murder has before been stated to be directed against the animal ferocity of men, and it includes violences proceeding from both the appetites, hunger and sex. Besides actual murder, it prohibits attacks of a murderous nature, which, although they do not extinguish life, maim the body, and diminish its power of defence and its capacity for labour, on which the sustentation of life depends. It also prohibits forcible violations of the chastity of women, sacred as life, often followed by murder. In English law these are classed as "offences against the person," "attempts to murder," "rape," "attempts to maim," and "assaults with bodily harm." The latter come within the category, for although commenced with the intent only to inflict bodily harm, they may, and often do, through the violence of the passion, or the obstinacy of resistance, terminate in manslaughter or murder.

2, 3. The laws, "Thou shalt not steal," and "Thou shalt not bear false witness," which have been shewn to have a combined operation, the former in the construction, and both in the protection of property, have a large category of crime in modern society. In English law the moral evil which they are designed to control is

classed as, "offences against property, with violence," which include burglary, housebreaking, breaking into dwelling-houses and shops, stealing, and robbery; and attempts to rob by persons armed; and "offences against property, without violence," which include larcenies, receiving stolen goods, embezzlement, false pretences, forgery, and fraud.

4. The law, "Thou shalt not commit adultery," has not been adopted by English law to the extent of making adultery a criminal offence; but the criminality of the act is admitted, and under certain circumstances it is allowed as a legal justification of revenge, proceeding as far as murder. Nor can it be concealed that nature, although strongly prompting to marriage, has not raised up any powerful moral feeling against unlicensed, and, especially as regards males, promiscuous commerce. The violence of the appetite, the temptation arising through the habitual communication of both sexes in business and pleasure; the liability to which every one is exposed to succumb to temptation; the endless prosecutions and false swearing which would arise out of a law restraining such commerce; and, on the other hand, the difficulty of maintaining families—accepted as an excuse for not marrying—have caused the commerce of unmarried persons to be looked upon as beyond the scope of human law. Its suppression, in its form of prostitution, is one of the most difficult problems of

modern civilization; and it is clear that no just estimate of the moral offence has been formed, when in one sex it is looked upon as venial, or no offence at all, whilst the other sex is degraded by it to the lowest depths of degradation. But fornication and prostitution only *seem* to be in opposition to the law. They are within it, because marriage, the institution of nature, if entered into, would supply all necessary gratification of the natural desire.

There are other crimes of high magnitude that spring from the appetite of sex, which the law of marriage is designed to suppress. These may be said to be the indirect result of resistance to the natural feelings which prompt to marriage, and which marriage would gratify, or leave the criminal without excuse. Rape, incest, sodomy, fall within the scope of the primary law; marriage being sufficient to repress temptation to unnatural crimes.

Nature's moral code is the foundation of the Civil law of society as it is of the criminal law. The fundamental mundane institutions of labour and property, and of marriage, are the sources of the civil business of life. The essence of civil life, and of all law that is not criminal nor administrative, is Contract. A man cannot avoid entering into contract unless he lives in the closest isolation. His first necessity is food, and his first duty is to labour for it. But he cannot advance far in that

direction without encountering other men, and entering into relations of contract with them. If he want to labour for another, he enters into a contract with him, by which he is to give his labour and the other is to pay him for it. If he wants assistance from the labour of another man, he enters into a contract with him which reverses that relation. If he has by his own labour stored food, or has made any article of manufacture that he wishes to sell, he contracts to sell it for a price which the purchaser contracts to pay, either when the article is delivered, or at a stated time after its delivery. In the former case the contract is at once entered into and terminated; in the latter case the delivery is in consideration of a promise of future payment, or credit. These are examples of the primary and most ordinary contracts by which labour, trade, commerce, navigation, and agriculture are carried on, and human subsistence is provided.

How far contract was used in primitive society it is not necessary to inquire. The contracts of primitive society were doubtless verbal, and accompanied by the simplest formalities. The object now is to ascertain the fundamental principles of society, and not in what degree contract prevailed at any particular epoch. If the principle of contract be fundamental, it must, at all times, have had at least a partial operation. In primitive ages man's social position was affected by his subordination to the chief or ruler of his tribe; and contracts

between individuals merged into conventional contracts for the community of labour and property. Slavery, too, deprived the slave of his natural right to contract for the disposal of his labour; but it at the same time rendered his individual contract unnecessary, for food was supplied to him in exchange for his labour or personal services. There is something of the nature of an implied contract even in slavery; because no human power can force the slave to labour unless he be provided with food.

That the use of contract was at first rudimentary, and that, as compared with contracts of modern civilization, primitive contracts were few in number, and of much less variety, need not be denied; but if there existed in primitive times any peoples or society where labour was free, and property was respected; the relation between the employer and the employed, and between the vendor and purchaser, was created by contract. The degree in which contracts are used in a community, depends upon the extent of the labour and capital employed. The contracts of early ages could have reference only to the most simple labour, and to an uncomplicated system of barter and exchange: in modern society the sphere of contract is enlarged to meet the varieties of commercial operations that modern commerce has introduced, and the enlarged subjects of such operations; and also the new commercial relations which commerce

has called into existence—those of partnership, letting and hiring, and sale on commission or by agency, as well as ordinary sale.

Marriage, also, is created by contract; and a contract at least as high, in English law higher, than contracts concerning labour and property. Besides its own primary purpose, it has relation, collaterally, both to labour and property. By the contract of marriage the husband agrees with the wife to labour for her and for their children, in order to supply them with food and necessaries. The English common law carried out this arrangement of nature. It obliged the man to endow the woman, in the church, where the marriage ceremony is performed, "with all his worldly goods;" and by the marriage she acquired a right to enjoy, for her life, one-third of the yearly value of the lands which her husband possessed during the marriage, if she survived him and became his widow.

But it may be inquired—How can the contract of civil life be brought within the scope of the moral laws, which are in their nature criminal not civil? The fundamental law to which contracts appeal for performance, is the law of truth. All contracts are resolvable into that law. Refusal to perform our contract, is refusal to keep our promise, our word; that word which we spoke to our neighbour, and by which we pledged to him our truth, that we would do the act which we now refuse to

do. The refusal involves, and is a lie. This supposes that no circumstances have arisen since the contract was made, through the misconduct of the other contracting party, which have impaired the validity of the contract, or which have rendered demand of its performance inequitable; and moreover, that the recusant party possesses, and has not been deprived by misfortune or calamity, of means to perform his contract; or, being deprived of the power to perform his contract, but possessing means, he offers an equivalent compensation in damages. But in the absence of such excusing circumstances, if we could examine the motives of a man who refuses, when able, to perform his contract, they would be found to be these: he would *lose*, instead of, as he thought, gain, if the contract were performed. The law "Thou shalt not steal" is then imported into the case, as well as the law of truth. If he persevere he *steals* what the other party would have gained by the contract; and, bringing his conduct within both these fundamental moral laws, he adds an *actual* theft to an implied lie.

If the contract be that of marriage, it is most generally terminated by a breach of the law against adultery; or it may be by unbearable cruelty, which falls within the scope of the law against murder.

The personal rights of mankind are derived from nature's moral code; for it must be implied that what

man is forbidden to violate, men are permitted to enjoy. The law that prohibits murder, establishes the right of personal security from violence to life or limb, and from assaults that endanger life or health. The law that prohibits stealing establishes the right to property as the product of labour; the law which establishes truth and prohibits false testimony, establishes the right to performance of contract, and to good faith in all dealings. The law which prohibits adultery establishes conjugal and family rights. In the next chapter I shall endeavour to deduce axioms of nature that establish rights to freedom and to personal equality.

The converse of this deduction creates the duties of mankind. What is the right of one man it is the duty of all other men to respect, and of him against whom or whose property a right is established, to acknowledge and perform: what one is entitled to demand, the other is bound to concede. These rights and duties are correlative, and have a reciprocal relation throughout society.

The Creator executes his laws through human governments as his instruments. Every human government finds it necessary to incorporate the natural moral laws into its legislation, and to enforce obedience to them. They are the basis of human jurisprudence. It is those laws which are referred to when it is said of a human law that it is accordant or contrary to justice, to natural equity, or common right. It is the duty of human

government to take care that the laws which it enacts, do not interfere with moral rights, nor release moral duties.

The functions of human government are, therefore, in part prescribed and fixed, and in part discretionary. So far as it executes the Divine laws, its functions are fixed and prescribed; subject to the adoption and strict enforcement of those laws, its functions are discretionary. Human government may, and indeed ought, to keep in view as the proper object of government, the happiness of the people; and its discretionary legislation and administration should be adapted to the carrying out of that great object. Human government may be progressive in all that relates to the improvement of the people; but it must remain stationary in its moral standard, which is designed in reference to the nature and mundane condition of man, and is therefore immutable.

1. Human legislation must proceed on the basis of the law "Thou shalt not steal." This is an absolute and immutable law creative and protective of property. It is left to human government to make laws to protect property from robbery and fraud, to attach duties, or rights and privileges to the possession of it, to derive taxes from it for the support of the state, and to regulate the alienation and transfer of property and its disposal by will. Its duty extends to defining contracts, and to establishing forms for the creation of contracts, and to

enforcing the performance of them. It should also protect the freedom and personal rights of men and women, so that neither their persons, nor the products of their labour, be injured or stolen.

2. Human government must also acknowledge the fundamental law, "Thou shalt not commit adultery." But it is left to human government to legislate on the contract of marriage, to define the personal rights of husband and wife over their respective properties, and over the property of each other. It has even assumed to establish polygamy as a discretionary form of marriage. It enforces the duties of parents towards their children and towards each other, and provides for separation and divorce. It legislates for the protection of women from violation; for their natural right is to preserve their chastity until they enter into the contract of marriage, and it is a high offence to rob them of it against their will. Seduction resulting from promise of marriage is a breach of the law of truth, and is punishable by human government.

3. The law of nature, "Thou shalt do no murder," must likewise be adopted by human government. It must legislate also for violences short of murder, including violations of women, which are usually, and almost necessarily, executed by violence, and often terminate in murder. For when man submits to human government, he surrenders his natural right of revenge and

punishment by his natural weapons and strength, for injuries to himself and family, in consideration of the protection of government.

4. The natural law of truth lies at the base of that function of human government, the administration of justice. The administration of justice is a formal endeavour to discover truth. It uses the testimony of witnesses to obtain truth; and for that purpose it gives solemnity to its proceedings, and fixes moral sanctions on the witnesses, by the employment of oaths. On the basis of truth and of the laws, it tries to decide impartially between contending parties. We may estimate the great importance of the law "Thou shalt not bear false witness," when we perceive that contract pervades all civil intercourse, and that the enforcement of honest performance of contract depends upon human testimony.

The same natural moral laws are the foundation of the Law of Nations, and the bounds of national duties and rights. The holders of the powers of government are invested with the authority, and in their own persons should concentrate the consciences of the individual men who constitute the state or nation. War is not contrary to nature; for the employment of force to resent injury or to protect property or rights, is the natural right of every man; and, in a state of nature, it is the only means available to men, as it is to animals. As between

independent governments, there is no tribunal to which a complaining government can appeal for justice, and the natural right of force can alone be resorted to. But the justice of war depends on the same moral principles as the actions of private men. The holders of power can have no other authority over the territory of another independent nation, than their own subjects whom they represent, or over whom they rule. If they send forth an army, not for redress but for conquest, they encounter the law, "Thou shalt not steal;" and they may even place the men who have entered into the service of the government for the lawful protection of their country and fellow-countrymen, in opposition to the law, "Thou shalt do no murder." Governments, too, in relation to other nations, are bound by the law of truth. When they break their treaties or repudiate their engagements, they cast upon the nation they represent, the moral imputation which attaches to disregard of truth and honesty.

Morality as a science has been more usually treated and explained by abstract terms than by its concrete laws; yet Justice is only an abstract summary of nature's moral code. When we inquire into the practical import of the following and similar abstract terms, —honesty, fidelity, humanity, and veracity—and reduce them to their first principles in nature, we find that they conceal the simple laws of nature's code. Justice

concentrates all these laws as the natural right of all mankind; and injustice, with the force of an instinct, raises indignation in every human heart.*

The laws of Nature's moral code are negative. They forbid certain actions, but there is no action that they command. The formula of the utilitarian philosophy divides moral actions into actions that are right and actions that are wrong. Its theory is not, therefore, consistent with the theory of the moral laws; whilst in placing utility or happiness, and not obedience, as the criterion of morality, it is not in accordance with the moral system under which man lives and morally acts. It errs in supposing that men can, by observation and experience, change from time to time as expedience requires, or lay down anew, moral laws; for nature's moral code is, and has been from the creation of man, complete and immutable.

* The elements of justice are here confined to those stated in the text. In the next chapter different elements of justice will be shewn to exist, founded on other natural principles.

CHAPTER IX.

Axioms of Nature—Corollaries from the Moral Laws of Nature—The Free Agency and Natural Equality of Men.

THE universality and ubiquity of the four moral laws of nature, and the comprehension within their jural conceptions of all the laws which human society requires for its moral government, suggest the belief, indeed the fact, as a logical sequence, that the Great Legislator, when he prepared mankind for receiving those laws into their minds and hearts, and thus enacted them; determined that they are sufficient for the moral government of the human race in all the relations of life. If from these premises we derive the induction that no other moral laws exist, then, as logical sequences, two other facts come forth, which may be called AXIOMS OF NATURE.

1. That, by the permission of God, and in relation to Him, man, subject to the fundamental moral laws, and to the conditions of his mundane existence, is a free agent.

2. That, in relation to his fellow-men, he is by nature equal with them.

I shall not enter into a metaphysical discussion of free-will, or respecting liberty or necessity. I shall con-

tent myself by adopting an observation of Locke, founded on his own feelings, "that if it be possible for God to make a free agent, then man is free; though I see not the way of it."* But the freedom referred to may be contemplated apart from the metaphysical question; when it is only asserted that, as to a portion of man's duties and business in the world, the Creator has left him free to follow his own course. The natural code of moral law points out the Creator's plan. The laws are negative. They do not command action; they forbid certain specified acts; so we may reverently infer that, subject to obedience to the moral laws, and abstinence from the actions which they forbid, man is free. It is an anticipation of the inquiry I shall enter upon, in the second part, as to the office of the mind, in the moral plan, to assume, as I believe it will be proved, that no moral laws originate in the mind.

But man's freedom is not absolute; it is qualified by his mundane and moral condition. He is but a unit amongst multitudes who are equally free; whether in a state of nature, or as a member of a State, he must submit to that majority which force determines, or which society agrees shall prevail, when differences of opinion arise. And although he is born free and equal with his fellow-men in natural rights, he holds those privileges subject to the equal freedom and equal rights of other

* *Letters to Molyneux*, vol. viii. p. 305.

men, and upon the conditions which nature's moral code has imposed upon all. He must not, therefore, enforce his freedom and equality by taking life, by invading property, by falsehood or fraud, or by violation of marriage obligations. Subject to these universal restrictions, which encounter man in every place, and at all times of his life, man is free and equal with his brother.

If this freedom be abused, if it be employed to the injury of other men in their individual or social state, the actions would be within the scope of the moral laws. But God has made these laws not only the protection of the weak, but the restraint of the strong. A man who has acquired power, whether as the chief, or the subordinate of government, or in private life, must exercise it under the restraint of the moral laws. It behoves him to be certain that he is justified, on moral grounds, in his government, and in his administration of justice, as well as in his private actions.

The unjust privation of liberty is within these laws. Slavery has largely prevailed, and still prevails, notwithstanding the inference of equality and freedom. But there is a negative argument against it, derivable from the silence of nature's laws. By what rule are men to be divided into two classes of master and slave? God has laid down no principle for making the separation; nor are we conscious of a law or principle in our minds or hearts, placed there by the hand

of nature, to direct us how to separate the human race into two classes, giving to one favoured class the ownership of the other. But we possess a principle adverse to that separation of human beings: a moral sentiment that men are by nature equal and free, and the law "Thou shalt not steal;" and conscience warns us that we must not steal either the body or the labour of our fellow-man. The theft of the body is a theft of the highest criminality, inasmuch as a man's body is superior to his property; and to any attempt to perpetrate that theft, nature prompts the last extremity of resistance.

These axioms indicate the political principles on which human government should be conducted, whilst the absence of natural law as to forms of government, or as to the selection of any particular persons for the office, shews that choice of government and of governors was committed to man. Natural superiority by family position was the earliest form of government: the spread of power, and its change from hand to hand, or from faction to faction, have produced the variety of forms that the world has witnessed and obeyed. But in proportion as men have perceived that all men are naturally free and equal, government has come to be considered as a trust and a duty, and not as a territorial possession; and in proportion as kings and rulers understand that they hold their territory and their office, subject to their own obedience to the same moral laws as

those by which the humblest of their subjects holds his cottage, or his stock-in-trade, government will respect the freedom and the rights of all, whether as subjects or as separate states. These are the natural standards, when we speak of justice with reference to Government, or to the social rights of the governed.

The freedom and equality of men are often sacrificed to personal ambition and for personal gain, because these axioms of nature are not recognised, and the obedience due to the moral laws is forgotten in the glitter of war and the vanity of conquest. Revolutions of government occur, not having the motive of removing injustice, nor of introducing more equitable principles or practices of government. The usurper can, however, seldom accomplish his purpose without breaking all the moral laws. He employs deception and fraud, with breach, probably, of his oath of fidelity to the former government. He appropriates the property of his predecessor, whom he forced to abandon the seat of authority, the property also of the state, and, by forfeiture, the property of private citizens and innocent men who opposed his enterprise. He, with unmerciful and unsparing cruelty, if not by his own hand, by the hands of those whom he has associated with him, and who support him and do his unholy work for the sake of the wealth and distinction which success will bring them, takes away not only the lives of the soldiers who defend the seat of government,

but the lives of numbers of people who, without any design of opposition, by mere chance of circumstances, happen to be within the reach of the infuriated soldiers whom he has induced to betray their trust. There need be no apprehension from Nature's axiom that men are free and equal. It may be proclaimed from the house-tops. It is one of the great bonds of social life. If it were fully admitted, the consciousness of the possession would inspire magnanimity, independence of soul, and love and charity amongst the human race; whilst it would hold up the traitor who infringes public freedom and public rights, as a criminal of the highest degree.

It is remarkable, also, that these axioms of nature, combined with the moral code, contain within their conceptions all that is necessary for the most perfect political liberty consistent with the existence of society. If liberty is lost and detained from a community by overpowering force; or if it is stolen as in the case supposed, nature's laws and axioms are violated. If liberty exist, it can never depart whilst the governor and the governed are faithful to their moral duties, and observant of the moral rights of each other.

Thus Nature's moral code is the fundamental law of every relation of life, conjugal, parental, and filial, social and political. It forms the criminal law and the fundamental civil law in every nation; it regulates international law between foreign nations, and is the test of

the political conduct of both rulers and subjects. The laws which human governments may make must be in strict accordance with the moral principles of these laws; and if any be made which are contrary to these principles, such laws are not binding on human society. The laws of nature's moral code can neither be abrogated, expanded, nor diminished: their authority is universal over the whole human race in every clime. They are the voice of nature, and therefore have the authority of God.

PART II.

THE MENTAL NATURE.

CHAPTER I.

The Nature and Office of Reason in relation to Morality, and the Effect of its Action on the Religious, Moral, and Social Condition of Man.

THE analysis of the constitution of the body has disclosed that its two great appetites are the mainsprings of the actions of man. They stimulate him to beget offspring, and to rear them by labouring for their food. They are the origin of marriage, of families, of property, of trade, and of society. They are the foundation of the happiness derived from these several institutions; they are the sources of the moral evil which man commits by his own acts, and of the physical evil which he inflicts on his fellow-men, as the consequence of his immoral acts. In the recesses of his mind he is conscious of laws which forbid these acts, and of moral sentiments which disapprove them. But the body is the inferior part of man's nature, we have now to analyze the mind—to attempt to discover its distinctive part in the business and duty of life; and especially how it operates with

regard to the moral laws of nature, whether in the production or repression of moral evil. When it is shewn that moral evil proceeds from the animal nature, it is important to shew that the mental nature possesses powers and faculties competent to resist it.*

Reason has enabled man to conceive ideas of moral government and of the aptitude of moral conduct, which ennoble him in comparison with brutes, whom corporeally he resembles ;† yet the mind must necessarily co-operate with the body in the business of life; for, although it differs in its nature from the body, it is intimately conjoined and vitally united with it. But its tendency is to resist compliance with bodily desires leading to immoral actions. As conscience, it struggles to resist temptations; as remorse, it visits the immoral actor with reproaches and the terrors of punishment.

The conception of moral laws self-acting in the

* "Il est dangereux de trop faire voir à l'homme combien il est égal aux bêtes, sans lui montrer sa grandeur. Il est encore dangereux de lui faire trop voir sa grandeur sans sa bassesse. Il est encore plus dangereux de lui laisser ignorer l'un et l'autre. Mais il est très avantageux de lui répresenter l'un et l'autre."—Pascal, *Pensées*, I partie, art. iv. sec. 7.

† Reason is described by Locke as "Natural Revelation, whereby the eternal Father of Light, and Fountain of all knowledge, communicates to mankind that portion of truth which he has laid within the reach of their natural faculties."—*Essay*, book IV. chap. xix. sec. 4. Butler repeats the doctrine, "All knowledge from reason is as really from God as revelation is."—*Sermon preached before the Society for the propagation of the Gospel.*

mind and enforced by moral sentiments, raised up the idea of a Divine Being as governor of the world; and belief in God as the possessor of omnipotent power, and the source of human power and authority, spread in various forms throughout the human race.* The laws being, as it were, felt by the universal sentiment of mankind to have authority above human laws, were acknow-

* The existence of God every man may certainly know and demonstrate to himself from his own existence.—Locke's *Essay*, book IV. chap. xvii. sec. 2.

The following are interesting accounts of belief in God and a future state, and in the moral laws, amongst uncivilized people in the present day. "The American Indians worship the Great Spirit as the Invisible God and Father of all, and have a belief in a future state."—Mrs. Somerville's *Physical Geography*, vol. ii. p. 261. "The religion of the inhabitants of West Africa—the tribes of Grebus or Fishmen, and Krumen—is Paganism; but they believe in a Great God, whom they style Nisrah."—Capt. Allen's *Expedition to the Niger*, pp. 114-126. Dr. Livingstone, in his *Missionary Travels and Researches in South Africa*, observes that "there is no necessity for beginning to tell even the most degraded of these people, of the existence of a God, or of a future state; the facts being universally admitted . . . How curiously God made these things is a common expression . . . Farther north, the more distinct do the native ideas on religious subjects become." Dr. Livingstone also testifies to their knowledge of the Moral Laws:—"On questioning intelligent men among the Bakwains as to their former knowledge (before the teachings of the missionaries) of good and evil, of God, and the future state, they have scouted the idea of any of them ever having been without a tolerably clear conception on all these subjects. Respecting their sense of right and wrong, they profess that nothing we indicate as sin, ever appeared to them as otherwise, except the statement that it was wrong to have more wives than one." There is authority that one God is the esoteric principle in Buddhism, Hinduism, and in the religions of Confucius and Zoroaster.

ledged as Divine laws; and punishment, although it might overtake the criminal here when the Divine laws were adopted by human government, did not extinguish fear of punishment hereafter. The expectation of a future state followed belief in the existence of God, and gradually spread. The combination of these principles and feelings in the mind of man rendered him a moral and responsible being; and made him fear God as his moral governor, and as holding in his hands the penalties or sanctions of the moral laws.

God's divine authority, acknowledged, as soon as it is perceived that to Him men owe all the blessings of life, gives him claims on his creatures to which none exercising human authority can pretend. From fear and from love the human race is led to worship God; for both these feelings involuntarily lead to submission, and to the expression of sentiments of adoration and obedience. Religion thus came in aid of the moral laws; and as NATURAL RELIGION, revealed by reason and enforced by laws, made prayer and obedience to God religious duties.

The gift of reason to the new animal, man, conferred upon him power, and a destiny unknown to, and incomprehensible by, the creatures whom, in bodily structure, he resembles. It enables him to subjugate the lower animals to his will; to use some for labour, others for food; and to circumvent the superior strength and swift-

ness of some, and the ferocity of others, by inventions and stratagems suggested to him by his reason.

Reason enters into the performance of all the duties and business of his life. He educates his children by knowledge acquired through his reason. He uses his reason in his labour; and through the arts which reason taught him, he employs the forces of nature as aids to his own strength, and to the strength of animals.

The chief boon committed to man is government. By committing it to man God has opened to him a large field for the employment of his intellect and energy. Government is to be applied in various forms to various peoples, resembling each other in natural characteristics, but differing in artificial habits and customs, living under different climates furnishing different natural products, and requiring different physical and mental adaptations. By it, life is to be protected, property to be made secure, laws to be made and administered, and peace and order to be established and preserved. Vast and difficult problems are involved in the adjustment of social, political, and financial interests, with justice and impartiality, and in accordance with naturally equal rights; between the different social ranks into which society is prone to become divided. These call forth the highest powers and energies of the mind, and give the highest rewards for its cultivation.

The spread of the full power of reason over the

human race has been slow. God appears to have given intellectual power to men in very different measure. A large proportion of the human race seem not to possess reason beyond so much as is necessary to perform the simple offices of life; or it lies dormant until roused by desire to employ it. The larger portion of mankind never exert it further, depending for their subsistence on their bodily strength. But reason sufficient to guide man to the knowledge of his moral duty, may be confidently believed to be possessed by every sane man.

The association of the body with the mind does not prevent frequent examples of human excellence in the persons of men uniting mental, social, and moral qualities, which attain even the ideal we conceive of public and private virtue; whilst the body, modelled in its most perfect form, displays in its manly bearing and its intellectual countenance, the purity of the inner nature in its outward tabernacle.

Thus made and furnished, man is not constituted for evil but for "good." The appetites and desires in which moral evil originates, are in design and in healthy action not evil but good, so that it may be said of moral evil, out of good cometh forth evil. Hunger and thirst are given to us to preserve our lives; and they are so contrived as to afford pleasure and enjoyment. When regularly supplied by means of labour, they sustain health and vigour; and their indulgence in moderation

is not only enjoyable but innocent. It is when men permit excessive and unrestrained indulgence of them, beyond what is necessary for preserving the body in health, that moral evil arises.

The other great appetite of the body is also "good," and is consistent with purity and innocence. It is when men break through the restraints that God and nature have imposed upon its gratification, that it produces the heinous crimes that flow from it.

The law or condition of our mundane state, labour, is in itself "good." It affords to man that employment of his mind and body which is essential to his health and happiness. It is when men refuse to labour that poverty and destitution arise; and men are driven, through their neglect of the order of nature and providence, to the commission of crime; their lives alternating between riotous excesses and starving penury, instead of being occupied by the regular and moderate enjoyments which labour and frugality would, in ordinary circumstances, ensure.

The institution of property, and of money, its representative, is also "good;" and although apparently opposed to the interests of the poor, it is in fact the foundation and the guarantee of the comforts they enjoy. By the institution of property, capital is created, which, as the fund for the payment of labour, increases the work to be done, and gives the labourer more steady employment. The desire to acquire property or money,

when confined to moderation, and within the bounds of morality, is not only innocent but commendable; for a moderate accumulation gives its possessor an independence of sudden want, that should preserve him from temptation to immoral actions. It is when the love of money becomes immoderate, when covetousness and avarice arise, that men break through the moral laws to gratify their desires.

Moral evil, it thus appears, is a vitiated and excessive indulgence of appetites and desires implanted in men for their preservation and enjoyment, according to the nature of their being; and in order to arrive at evil, they must pass over and disregard that boundary of moderation which, with respect to the appetites, nature points out, and within which their pleasures may be partaken of with innocence and purity, and with health and happiness; which boundary as to property or money is well defined by the warnings which arise in the mind, when just moderation is proposed to be exceeded by crime.

Philosophers of the highest eminence have held that moral evil is not done for the mere love of doing evil, but under the stimulus of eager desires: "There is no man (says Bacon) doth a wrong for a wrong's sake; but thereby to purchase himself profit, or honour, or the like."*

* Bacon's *Essays*, No. 4, on Revenge. "No one willingly sets about things evil, or things which he thinks are evil, nor is this, as it seems,

"No man" (says Mackintosh), "after the first excitement of his mind has subsided, ever whispered to himself with self-approbation and secret joy, that he had been guilty of cruelty or baseness. Every criminal is strongly impelled to hide these qualities of his actions from himself, as he would do from others, by clothing his conduct in some disguise of duty or of necessity."*

But it may be inquired, are there not in the mind other principles, passions, or affections, capable of originating, or whose tendency is to produce moral evil? Let Bishop Butler answer the question.

"There is nothing in the human mind, as the logicians speak, contradictory to virtue. For virtue consists in a regard to what is right and reasonable, as being so; in a regard to veracity, justice, charity, in themselves: and there is surely no such thing as a like natural regard to falsehood, injustice, cruelty. If it be thought that there are instances of an approbation of vice, as such, in itself, and for its own sake (though it does not appear to me that there is any such thing at all, but supposing there be), it is evidently monstrous: as much so, as the most acknowledged perversion of any passion whatever."†

in the nature of man willingly to engage in things which he thinks are evil, instead of such as are good; and when of two evils he is compelled to choose one, no one will choose the greater, when it is in his power to choose the less."—Plato, *Protagoras*, sec. 118.

* *Ethical Dissertation*, Introduction, sec. 1.

† Butler's *Analogy*, part I. chap. iii.

Again, adopting an interrogatory supposed by Butler to be made, and quoting his reply: "Has not man dispositions and principles within, which lead him to do evil to others, as well as to do good? Whence come the many miseries else, which men are the authors and instruments of to each other?"

The answer is, "that mankind have ungoverned passions which they will gratify at any rate, as well as to the injury of others, as in contradiction to known private interest: but as there is no such thing as self-hatred, so neither is there any such thing as ill-will in one man towards another, emulation and resentment being away; whereas there is plainly benevolence or good-will; there is no such thing as love of injustice, oppression, treachery, ingratitude; but only eager desires after such and such external goods; which, according to a very ancient observation, the most abandoned would choose to obtain by innocent means, if they were as easy and effectual to their end: that even emulation and resentment, by any one who will consider what these passions really are in nature, will be found nothing to the purpose of this objection; and that the principles and passions in the mind of man, which are distinct both from self-love and benevolence, primarily and most directly lead to right behaviour with regard to others as well as himself, and only secondarily and accidentally to what is evil."*

* Butler's *Sermons*, No. 1, on Human Nature.

If we would point out what appears to be the nearest resemblance to a voluntary concurrence of the mind with the body, in the production of moral evil, it is when the imagination is allowed free course to revel in the pleasures afforded by the appetites of the body. The imagination is then an active stimulant to moral evil. "From it" (says Montaigne) "every sin springs:"* an assertion enforced by Butler, who remarks, that "we are accustomed, from our youth up, to indulge that forward delusive faculty, ever obtruding beyond its sphere; of some assistance indeed to apprehension, but the author of all error."†

But the imagination is within the limits of the animal nature; it is within the range of brutes, who, to the extent of their ideas, exercise their imagination, by recalling from their memory absent objects or past pleasures.‡ It derives all its power from the ideas of objects before our eyes, or from ideas of visible objects called up by our memories. "We cannot (says Addison) have a single image in the fancy that did not make its first entrance through the sight; but we have the power of retaining, altering, and compounding these images which we have received, into all the varieties of picture

* Montaigne's *Essays*, book II. chap. xii.

† Butler's *Analogy*, part I. chap. i.

‡ "Memory is connected with our physical organization, there is not, I believe, the smallest doubt."—Sir Benjamin Brodie, *Physiological Enquiries*, part i. p. 54.

and vision that are most agreeable to the imagination."*

Addison has portrayed, in his happiest manner, the pleasures derived from the imagination when employed on the works of nature, or of art, or in the refinements of poetry, of history, or of philosophy; but he has forborne to consider how opposite a picture the imagination will present, if employed to recall and to compound images of voluptuousness, of sensuality, or of crime. It is obvious that the imagination delights in exciting the passions—that love or ambition, hatred or revenge, are brought into existence, or are revived at its command. It has, indeed, a special power over the passion of love; it invests beauty with new but often unreal charms; and when the passion is impure, it urges its gratification by the commission of crime. It presents wealth and fortune, rank and distinction, with such various advantages, as so desirable, and, perhaps, so easy of attainment, as to incite the schemer and the gambler to risk all they possess, in attempts to obtain them, and it encourages those who might be happy, if contented with their lot, to aspire to higher rank and condition, by the delusive picture of a brilliant state. Reason may attempt to rule the imagination, and to oppose its visionary and wild suggestions; it may strive to awaken the dreamer to the fallaciousness of these delusive hopes;

* *Spectator*, No. 411.

but too often in vain. And it is through the power which the imagination possesses of presenting the accessories of life in various forms, with varied combinations, and with such splendid advantages and results, if success be achieved; that men are induced to enter into schemes and speculations to obtain wealth, power, and distinction, that end, if they do not begin, in fraud and in crime.

The action of the imagination in the production of moral evil, is, like the passions which it resembles, that of a stimulant. Like them it originates no new form of moral evil; but it sets in motion the appetites and passions of the body, and moral evil ensues.

We may consider, therefore, that reason is not an original cause of moral evil. The faculty which is the foundation of our rational and moral nature, whose essential principle is truth, and the chief employment of whose powers is the discovery of truth, by which we regulate our belief, and also our actions and conduct, when we desire to render them conformable to truth—in other words, to the law of God—it is not possible to conceive to be an original cause of moral evil, or to have any direct tendency to produce it. From the very nature of reason, if man could act conformably to its true standard on all occasions, he never would fall into the commission of evil.

But reason has this remarkable quality, that by

distinguishing man from brutes, it makes him a moral agent, and places him in the condition to do evil; whilst it also enables him to oppose and resist the temptations that lead to evil, and supplies him with a standard of virtue.

CHAPTER II.

The Benevolent Affections, their Source and Office; and the Mode and Extent of their Moral Obligation, regarding Men as Individuals and as Society.

THE Benevolent Affections have, in the mental nature, an office and a mode of action which resemble those of the passions, in the animal nature. As the passions act as stimulants to the appetites, and to the actions which they originate; so the benevolent affections stimulate the reason to more active operation for the good of our fellow-creatures, than would proceed from its slow and deliberate motion. But the benevolent affections are antagonistic to the passions. They oppose forgiveness to revenge, love to hatred, humility to pride, mercy to cruelty, humanity to brutality, generosity to avarice; and they counteract the selfishness which the appetites engender, by diffusing love, good-will, and friendship, beyond the narrow circle which self creates.

The benevolent affections are the source of those refined principles, or rather precepts, of morality and ethics; which—rising above the appetites, and the negative obedience due to the moral laws—urge human beings to positive good;—to the improvement of their

fellow-creatures, and to the adoption of higher standards of virtue, than simple abstinence from moral crime. It is in regard to the duties and obligations created by the benevolent affections that morality may be, as it is sometimes said to be, progressive. There can be no new fundamental laws. There may be an extended application of the existing laws, so as to develope their principles in cases where a less subtle, or a less refined examination would not perceive their existence. The morality springing from the benevolent affections is not defined by laws. They predicate principles of action; but it is left to each individual to determine their application to himself, and to decide on the duty which they cast upon him.

The propensity of the animal appetites is to self, but that propensity is according to their design. The existence and perpetuation of the human race depend upon the continuance of labour, and on the habit, originating in the duty, of storing food or property; and it is natural to feel that what we have earned by our labour, or have saved by our prudence, is peculiarly our own; and we do not willingly give it to others. If this propensity were unchecked, we should care for no one but those connected with us by natural ties; even although we saw about us, on every side, fellow-creatures perishing from want of food, suffering pain, or sorrowing under the afflictions of life.

But man is not in his whole constitution, selfish. There is infused into his mental nature, a spark of that Divine love, of which especially it may be said, that God created man in his own image. Every human being is born with the germ of the benevolent affections; which shew themselves in early infancy, and develope themselves as life advances, in proportion to their cultivation. Even crime cannot entirely eradicate them. The wretch doomed to death has some who love him, and whom he loves; who know some good qualities which he possesses; and which have been kept in action, notwithstanding his abandonment of himself to a life of crime.

There have been philosophers, at all times, who, taking a low estimate of human nature, have denied the existence of benevolent affections; and have attributed benevolent actions to a selfish pleasure derived from witnessing the happiness and gratitude of those on whom kindness is bestowed. That theory, whilst it perverts the motives to kind actions, admits that the pleasure of doing and the pleasure of receiving kind acts, are innate in the human constitution.

Hobbes denied the existence of the benevolent affections, and asserted that what has the appearance of benevolence or good-will, is only the love of power, and delight in the exercise of it; or nothing but ambition or delight in superiority. But whilst that doctrine calumniates human nature, it is contrary to experience; for

benevolence is not exclusively the virtue of the ambitious or the powerful; nor does it peculiarly distinguish the great and the wealthy. It pervades every rank of life; and it has, perhaps, its most constant, and least selfish, votaries amongst the poor and powerless.

Philosophers the most eminent concur in opinion, that benevolent affections exist as active impulses implanted in the human mind.

Lord Bacon has thus described them:—"I take Goodness in this sense, the affecting of the weal of man, which is that the Grecians call Philanthropia; and the word Humanity (as it is used) is a little too light to express it. Goodness I call the habit, and Goodness of Nature, the inclination. This of all virtues and dignities of the mind is the greatest; being the character of the Deity: and without it man is a busy, mischievous, wretched thing; no better than a kind of vermin. Goodness answers to the theological virtue Charity, and admits no excess, but error.... In charity there is no excess; neither can angel or man come in danger by it. The inclination to goodness is imprinted deeply in the nature of man; inasmuch that, if it issue not towards men, it will take unto other living creatures."*

Bishop Butler's analysis of the principles and action of the benevolent affections, is known to every student of moral philosophy. "There is (he said) a natural

* Bacon's *Essays*, No. 13, Of Goodness and Goodness of Nature.

principle of *benevolence* in man, which is in some degree to *society*, what *self-love* is to the *individual*. And if there be in mankind any disposition to friendship; if there be any such thing as compassion, for compassion is momentary love; if there be any such thing as the paternal or filial affections; if there be any affection in human nature, the object and end of which is the good of another; this is itself Benevolence, or the love of another. Be it ever so short, be it in ever so low a degree, or ever so unhappily confined; it proves the assertion, and points out what we were designed for, as really as though it were in a higher degree and more extensive."*

Hume held Benevolence or Humanity to be "a principle in human nature, which cannot be resolved into principles more simple and universal. . . . The epithets, sociable, good-natured, humane, merciful, grateful, friendly, generous, beneficial, or their equivalents, are known in all languages, and universally express the highest merit which human nature is capable of attaining. . . . The deduction of morals from self-love, or a regard to private interest, is an obvious thought; and some philosophers have assigned this selfish origin to all our sentiments of virtue. But this is not an affair to be decided by authority, and the voice of nature and experience seems plainly to oppose the selfish

* Butler's *Sermons*, No. 1, On Human Nature.

theory. . . . But" (he added) "the Utility resulting from the social virtues, forms, at least, a part of their merit, and is one source of that approbation and regard so universally paid to them."*

The physical and mundane condition of man led him to form two institutions—families and communities—in the former of which man is to be regarded as an individual, in the latter as in society; and accordingly he has, from the union of his mental and his physical affections, individual and social impulses; the former of which leads him to take care of his private interests; the latter to do his duty to society. The former of these is self-love, which Butler describes as "an active principle of our nature; it is the desire of our own happiness; it is affection to ourselves. It is, therefore, distinct from benevolence, which is an affection to the good of our fellow-creatures." †

Self-love is, therefore, a combination of the animal appetites and mental affections—of the wants and

* Hume's Enquiry concerning the Principles of Morals, *Essays*, vol. ii., note, p. 149, *passim*. That benevolent affections are implanted in the human mind is maintained by the following philosophers:—Reid, *Active Powers of Man*, essay III. part ii. caps. iii. and iv.; Dugald Stewart, *Active Powers*, book I. cap. iii. sec. 1; Brown, *Lectures on the Human Mind*, vol. iv. p. 86.

† Butler, *Sermon XI.*, Upon the Love of our Neighbour. Bacon made the same distinction of "two natures of good, the former called individual or self-good; the latter the good of communion. He subsequently terms self-good, private, particular, and individual good."—The *De Augmentis*, Bacon's *Works*, vol. v. pp. 7-14.

desires of both natures. From the animal nature is derived the love of self*—including the love of wife and children as belonging to, and as part of self. From the mental nature springs the love which stimulates parents to exertion for the good of their children, beyond providing for their animal wants. Reason developes the duty, and the affections urge parents to educate their children, and to prepare them for the business and duties of life. The benevolent affections make the tender husband and kind father, as reason makes the prudent husband and judicious father. In the other relations of individual life, there is the hard master and the kind master. The difference depends upon this—whether the psychical affections or the physical appetites have the upper hand. If the latter predominate, selfish and unkind conduct, evinced in exclusive regard for the interest of self, and a disregard for the happiness of family and dependants, follows; and when we say, in common speech, such a man is a brute, the appellation is accordant with the theory of nature. On the other hand, the infusion of the benevolent affections into the family feelings, too much in excess of the reason, is injurious; it produces indiscreet indulgence, insufficient parental authority, loose principles, and all that is included in the adage, "He who spares the rod spoils the

* It is from the animal itself that the principle of self-love in it is derived.—Cicero, *De Finibus*, book III. sec. 5.

child." Self-love is, therefore, a part of our constitution, which it is by no means easy to regulate judiciously; and when Butler says of it "that self-love is one chief security of our right behaviour toward society;" it is in effect saying, that if we manage our family affairs well, we shall acquire that estimation, and that prudence and judgment, which will qualify us to take an active part in public life.

Benevolence is the extension and the application of the benevolent affections to society; to the good of others than our own family and dependants. It is an expansion of the natural feelings beyond their primary scope of self and family, to our fellow-creatures. It prompts men to love and to do good to their neighbours; to be gracious and courteous to strangers; to pardon and remit offences; and to be thankful for small benefits.* It sends men into the world to alleviate misery, and to improve human condition. It gives physical aid to the hungry or sick body, and consolation to the distressed mind. Through its influence men and families, in private life, unite in mutual esteem, and in friendship; and by courtesies and civilities, and in general sympathy with the varying events of life, do for each other acts of substantial kindness. The philanthropist extends his benevolence to the scale of the human race. He desires to remove or to mitigate human suffering wherever and

* Bacon's *Essays*, No. 13.

in whatever shape it appears; and to improve his fellow-creatures in every branch of their moral, religious, and social existence.

These affections are set to work in a mode analogous to that which moves the appetites. There is attached to the exercise of them a refined pleasure, derived from the consciousness of doing good to our fellow-men; and a sense of moral desert in having overcome the selfish influence of the animal nature. There is also attached to such actions, on the part of the recipient, a reciprocity of affection in the feeling of gratitude; and the giver and receiver have often, thenceforth, a mutual though unexpressed bond of affection, and of study of each other's interests and happiness. But the operation of the benevolent affections is not, as are the appetites, restrained by laws. Such restraint as is required is imposed by the reason; which must decide when and to what extent the affections may be employed with advantage to others; and so as not to frustrate or weaken the primary duty of labour, or of the storing of food, or to interfere with obedience to the moral laws.

Nor is obedience to the benevolent affections enforced by laws. Yet obedience to them is a moral duty, subject to conscience, as will hereafter be shewn. The duties which arise from them are sometimes called by philosophers, "duties of imperfect obligation."* That phrase

* "The good of communion, which respects and beholds society, we

indicates their nature. The duty is conditional; it depends upon the possession of the power and of the means to follow the impulses of the affections. A large portion of mankind is unable to obey their dictates. Although they feel the affections strongly, they cannot embody them in acts, and they are forced to content themselves with verbal expressions of sympathy and compassion; but these are not in vain. Such consolation gives relief, and spreads the links of human brotherhood. The merit of obedience to the benevolent affections is not always in proportion to the material relief afforded. The highest tribute to them is from the spirit of love, which offers all in its power.

The obligation to obey the impulses of the benevolent affections as directed to society, being thus conditional, they have no place in the laws of human government. Human government may and does provide food and shelter for the poor, too old or too sick to labour, or unable to procure work. But that leaves, almost untouched, the large field of duty committed to the care of the benevolent affections. The emotions which they inspire must be considered as the Voice of God, calling on us to assist our fellow-creatures, and to do all the good we can in the world. But human beings could not

may term *Duty;* because the term of duty is more proper to a mind well framed and disposed towards others, as the term of virtue is applied to a mind well formed and composed in itself."—The *De Augmentis*, 7th book, *Works*, vol. v. p. 14.

bear laws by which absolute obedience to the affections should be required; for the struggle of life is hard amongst the largest portion of the human race; and the affections might, if obedience were enforced, interfere with the moral laws by a conflict, whether we should yield to the affections rather than pay, or perform, that we owe. "Be just before you are generous," is a precept founded on the priority of the moral laws. God, who knows all hearts, and can weigh all circumstances, can alone judge men for their conduct in relation to duties springing out of the benevolent affections.

But when no excusing circumstances exist, compliance with the calls of the benevolent affections is a serious duty. Yet it is one far from being easy of performance; nay, it is more difficult to most men, than to avoid breach of the negative moral laws. It may be easy to show, externally, love and affection; and to express and, perhaps, to feel sympathy and compassion. But the possession of the feeling is nothing, unless, when we are able, and occasion requires, we reduce it into acts. We must give of our store, the food which is represented by our property, or money. The duty is to give. We must surmount the powerful hold which the appetite of hunger has upon us, urging us to retain, and not diminish, the food which we have by our labour provided for its use. When it presses us physically, we part with our most valued possession to gratify it. But, unless for

its own purposes, it urges us not to diminish the store; even though it be so inexhaustible, that we might give to others out of our abundance, without depriving ourselves or our families, of a single luxury or enjoyment. No amount of riches can entirely overcome, indeed excess of riches often increases, this animal feeling. There are men, it is said, who, with riches which they can never exhaust, dread the possibility of being reduced in their old age to abject poverty.

The obligation of obedience to the mental affections is directly the reverse of that due to the moral laws. Their formula is "do not;" that of the mental affections is "do." The benevolent affections, also, evade the formula of the utilitarian philosophy; for although the actions which they produce are right, there are no relative actions that are wrong; disregard of the promptings of the benevolent affections being inaction, or no action at all. Nor is action in accordance with them commanded —obedience is, as we have seen, conditional; it is left to the judgment of each individual. The Mind, therefore, issues no moral laws; and so it appears that the moral government of man is carried on by the four moral laws of nature—nature's moral code—an induction, if it be accepted, wonderfully illustrative of the symmetry and simplicity of the works of God, which (it has been well said) should be postulated by the philosopher.*

* Max Müller *on Language*, p. 19, citing Copernicus.

CHAPTER III.

The Origin and Office of the Mental Self-Affections.

We are examining the array prepared for the mind in its conflict with its powerful antagonists, the body and its appetites; and we have reviewed the two chief elements, the reason and the benevolent affections. We must briefly notice the self-affections, which are mental desires that we feel for our own moral and social advancement. But although their object is self, they are different from self-love, which is chiefly directed to material advancement. The desire of the self-affections is not physical but psychical,—mental and moral elevation as superior to wealth and power; although in our mundane existence, the attainment of mental elevation, when it attracts the notice of observers, can seldom be rewarded but by some material benefit.

The reason, it has been remarked, is not sufficiently impulsive to do the work of the benevolent affections, in the intercourse of society. The self-affections are impulsive, but they are never so well placed as when under the control of reason. They stimulate men to raise themselves to distinction as useful and moral men, in private life and in public life; and to adopt that

conduct which is most suited to acquire a reputation for virtue. These self-affections are as follows;—

1.—Desire of Esteem.

Desire of the esteem of the wise and good, in the lowest degree in which such desire can be supposed to exist, can have no other tendency than to virtuous conduct; because nothing worthy of the name of esteem can be obtained, even in a society which is low in its moral standard, that is not based upon some excellence of moral character. A desire so founded is a stimulant to the attainment of good qualities; and it must be viewed as a valuable principle of good, in human nature.

Butler says, "desire of esteem is a public passion, because the end for which it was given us is to regulate our behaviour towards society."* It powerfully influences human beings; and when it is enlarged to the desire of fame, it stimulates to the performance of brave, generous, and noble actions. All mankind have a sense and an appreciation of fame, and willingly give their applause to those who have accomplished noble and virtuous actions. The value of fame may be estimated by its opposite, contempt. No man can stand long under the contempt of mankind.

Stewart considered "the desire of esteem to be an original principle of our nature. An additional proof of

* *Sermon* 1, on Human Nature, note.

this is the very powerful influence it has over the mind,—an influence more striking than that of any other active principle whatsoever. Even the love of life daily gives way to the desire of esteem, and of an esteem which, as it is only to affect our memories, cannot be supposed to interest our self-love." *

The best reward of a life spent in procuring the esteem of the wise and good, is the attainment of that esteem; as the best reward for virtuous actions is to have done them.

2.—Desire of Knowledge.

Desire of knowledge is an ennobling desire. If cultivated it extends the scope of the mind, imbues it with new ideas and thoughts; and, through its operations, enlarges the power of man over human affairs. Lord Bacon observes that "man has a thirst for knowledge; and that it is a plant of God's own planting." Education is the portal into the temple of knowledge. By education, the human race may be raised to an elevation where the mind shall have its just superiority over the appetites. To the dispersion of ignorance, we must look for moral improvement; for the suppression of drunkenness, for the ready disposition to labour rather than to be idle, and to subsist on crime; and for frugality and economy which, by banishing poverty and creating inde-

* *Active Powers*, book I. chap. ii. sec. 3.

pendence, will remove the greater part of the temptation to crime.

Desire of knowledge imparts one of the highest pleasures of existence to those who cultivate it: it stimulates the young and solaces the old.

Philosophers have added to these desires those of Power, of Superiority, and of Society. These have unquestionably great influence on the moral and social condition of man. But the analysis before made has shewn that desire of society, and also the love of power and superiority, spring out of the principles of the animal nature; and they are more usually engaged in contests for material advantages than in suppressing the animal desires.

CHAPTER IV.

The Moral Sentiments, their Origin and Office.

WHEN we witness or contemplate actions which have relation to the rights or duties of the actor towards other human beings, sentiments and feelings instinctively spring up in our minds, according to which we estimate the character of such actions as right or wrong; and which, according to that estimate, call forth, whether in language or in silence, our approbation or disapprobation. These are the Moral Sentiments. They are to be distinguished from conscience, which relates to the mental or internal sentiments of the moral actor himself, concerning his own conduct. The moral sentiments, on the contrary, are our sentiments and feelings of the character of the actions of another, excited by his actions and conduct.*

* Mackintosh has called particular attention to "two perfectly distinct subjects, which must be clearly apprehended by all who are desirous of understanding the controversies which have prevailed on ethical subjects: 1. The nature of the distinction between right and wrong in human conduct; and 2. The nature of those feelings with which right and wrong are contemplated by human beings. The latter constitutes what has been called the 'Theory of the Moral Sentiments;' the former consists in an investigation into 'The Criterion of Morality in

"Our perception of moral beauty and deformity" (observes Stewart) "is plainly distinguishable from our perception of actions as right or wrong; but the distinction has been too little attended to by philosophers. Among the moderns in particular, some have confined their attention almost solely to our perception of actions as right or wrong; and have therefore rendered their works abstract and uninteresting.* Others,† by dwelling exclusively on our perception of moral beauty and deformity, have been led into enthusiasm and declamation, and have furnished licentious moralists with a pretext for questioning the immutability of moral distinctions."‡

Hume whilst referring the moral sentiments to some sentiment common to all mankind, which renders the actions and conduct even of persons the most remote, an object of applause or censure, according as they agree or disagree with that rule of right which is established; yet resolved our approbation of virtue into a perception of the species of beauty which results from the appearance of utility.

action.'" He adds, that "the discrimination has seldom been made by moral philosophers; the difference between the two problems has never been uniformly observed by any of them; and they have been not rarely altogether confounded by very eminent men, to the destruction of all just conception and of all correct reasoning in this most important, and, perhaps, most difficult of sciences."—*Ethical Dissertation*, sect. 1. Preliminary Observations.

* Clarke and Cudworth are here referred to. † Shaftesbury.

‡ Stewart's *Outlines of Moral Philosophy*, chap. i. sec. 6, art. 2.

Adam Smith controverted the hypothesis of Hume, and affirmed that "it is not utility or hurtfulness which is either the first or the principal source of our approbation or disapprobation; that the sentiment of approbation always involves in it a sense of propriety quite distinct from the perception of utility; and that so far as the sentiment of approbation arises from the perception of the beauty of utility, it has no reference of any kind to the sentiments of others. All such sentiments as refer to the notion of deserving reward, or meriting punishment, suppose the idea of some other being who is the natural judge of the person that feels them; and it is only by sympathy with the decisions of this arbiter of his conduct, that he can conceive either the triumph of self-applause, or the shame of condemnation."*

These theories leave quite untouched the theory of moral laws as the foundation of the moral sentiments; although Adam Smith refers the sentiments to sympathy with the decisions of the natural Judge who is the arbiter of conduct. But how is this sympathy to be brought into action? The natural Judge can penetrate our minds, and observe the motives of our acts. But how are we to discover His will, and to know when to expect approbation or disapprobation, unless there

* *The Theory of the Moral Sentiments*, by Adam Smith, vol. i. part iv. chap. 2, *passim*.

be some link of communication between him and us? That link is supplied by the moral laws implanted in the mind. When our attention is called to an action of a moral nature, we immediately know whether it is conformable or not to the moral laws within us; and moral sentiments, corresponding with the moral quality of the action, and reflective of the moral laws, instinctively and involuntarily spring up in our minds.

Abundant examples have been given in previous chapters* of the mode of action of the moral sentiments, and of their power over, and various modes of affecting, human beings, as they are the actors, the subjects, or the witnesses of crime. The moral sentiments were thus shewn to be the great supports of the moral laws. It may be a question whether the moral sentiments were implanted in the mind previously and preparatory to the reception of the laws, or, afterwards, to spread the influence of the laws over the human race. They undoubtedly exercise the latter office. In analogy to ordinary feelings, it may be supposed that they were posterior to the laws; for a consciousness of duty and obedience arises as soon as we feel ourselves subject to any obligation that we think binding upon us. For instance, the law to keep the Sabbath holy, gives out as powerful a sentiment, although rather religious than moral, as the moral laws of nature. And if we leave

* Chapters iii., iv., and v., part I.

any social duty unperformed, or even any common civility neglected, we feel uneasiness; for there is always uneasiness, in well-regulated minds, if a debt cannot be paid, or a kindness or civility be returned. The mind likes to be in equilibrium as to all its duties and obligations. It then enjoys a state of peace and content.

But although ethical writers have represented the moral sentiments as swayed into approbation or disapprobation, as the action is right or wrong; yet, practically, no sentiment of approbation attends actions which are in themselves right, as not in breach of the natural moral code. We do not feel or express any sentiment of approbation because a man has not taken advantage of an opportunity to steal, or otherwise break the moral laws; and this is accordant with the negative character of the moral laws.

But with regard to actions springing from the benevolent affections, on such actions the moral sentiment bestows approbation; whilst it bestows disapprobation on a person who has the power, but refuses, to assist another in distress; and more especially if, in addition, he repudiates some natural or acquired claim to his assistance. When we witness generous actions, we are greatly affected by them, and we give the actor our warm approval; on the other hand, we shrink from one who, having it in his power to do a kind or generous

action, and called to do it by ties of acknowledged force, refuses his aid, and leaves distress unremoved.

Punishment of crimes in human society is left by the Creator to human government; but He has prepared mankind to inflict and to witness punishments by the moral sentiments, and the feeling of reprobation with which the criminal is regarded. Men would not submit to see a fellow-creature put to death by the executioner, if their minds were not impressed with a sense of his guilt and desert of death, for having broken God's law; and shewn a heartless disregard of the rights and of the sufferings of his fellow-creatures.

CHAPTER V.

The Conscience.

We are now come to the subject which more than any other in the whole range of Moral Philosophy, has been discussed by philosophers, but without producing much approximation to an admitted solution of its difficulties. The two principal theories respecting the Conscience have been adverted to. Butler's views of the supremacy of conscience, as our natural guide in all our actions, have also been described. He did not investigate the theory of conscience, and he has left it doubtful whether he considered it to be the reason, or a separate faculty; but he was not, therefore, less decided that its authority is absolute, and its action constant. It is, according to him, the faculty by which man becomes a moral agent. It distributes approbation and disapprobation. The whole conduct is before it.

The theory of a Moral Sense is thus described by Mr. Bain. "This means that there is a certain faculty in the human mind, enabling us to divine what is right to be done in each particular case, and which has given birth to the rules and maxims of morality in common currency. It is affirmed that human nature is universally

endowed with this instinctive power of discriminating right and wrong, which is the cause of an alleged uniformity of the moral sentiments, so decided as to constitute 'an eternal and immutable morality.'

"The rigorous mode of viewing the moral sense, which compares it to the sense of hot and cold, or the power of discriminating between white and black, would (Mr. Bain truly observes) almost dispense with education; and this view has never been thoroughly carried out; for the necessity of enlightening conscience by religious and moral teaching has been universally insisted on. Accordingly" (he observes), "the following passage from Dr. Whewell's 'Elements of Morality,' may be taken to represent the qualified doctrine of the innate sense of rectitude."*

"It appears from what has just been said" (observes Dr. Whewell), "that we cannot properly refer to our conscience as an ultimate and supreme authority. It has only a subordinate and intermediate authority, standing between the supreme law, to which it is bound to conform, and our own actions, which must conform to it, in order to be moral. Conscience is not a standard, personal to each man; as each man has his standard of bodily appetite. Each man's standard of morals is a standard of morals, only because it is supposed to represent the supreme standard, which is expressed by the moral ideas,

* *The Emotions and the Will*, by Alexander Bain, M.A., p. 290.

benevolence, justice, truth, purity, and wisdom. As each man has his reason, in virtue of his participation of the common reason of mankind, so each man has his conscience, in virtue of his participation in the common conscience of mankind, by which benevolence, justice, truth, purity, and wisdom, are recognized as the supreme law of man's being. As the object of reason is to determine what is true, so the object of conscience is to determine what is right. As each man's reason may err, and thus lead him to a false opinion, so each man's conscience may err, and lead him to a false moral standard. As false opinion does not disprove the reality of truth, so the false moral standards of men do not disprove the reality of a supreme rule of human action."*

It may be objected to the latter exposition, that benevolence, justice, truth, purity, and wisdom, are abstract qualities; and, therefore, cannot, unless they are reduced to their concrete elements, form either the supreme, or ultimate, standard of morals, or the supreme law of man's being. Mr. Bain does not make his objection to the doctrine in that form, but it is the same in substance. He asks—"What then is this standard? Where is it to be found? Until it is produced we have nothing to discuss, affirm, or deny. Is it some one model conscience, like Aristotle's 'serious man,' or is it the decision of a public body authorized to decide for the

* Whewell's *Elements of Morality*, vol. i. sec. 271, p. 187. Bain, p. 290.

rest of the community? We have no difficulty in knowing what is the standard of truth in most other matters, but what is the standard conscience? This *must* be got at, or morality is not a subject to be reasoned or written about."*

Mr. Bain gives his own theory in the following words:—

"I have purposely deferred the consideration of conscience, as a distinct attribute or faculty, from a conviction that this portion of our constitution is moulded upon external authority as its type. I entirely dissent from Dugald Stewart and the great majority of writers on the Theory of Morals, who represent Conscience as a primitive and independent faculty of the mind, which would be developed in us although we never had any experience of external authority. On the contrary, I maintain that conscience is an imitation within ourselves of the government without us; and even when differing in what it prescribes from the current morality, the mode of its action is still parallel to the archetype. I freely admit that there are primitive impulses of the mind disposing us to the performance of social duty (just as there are also other primitive impulses which dispose us to perform acts forbidden by social duty), of which the principal are the affections, sympathy, and the sense of our own dependence as well as of our

* Bain, p. 291.

interest in common with the rest of society; but the peculiar quality or attribute that we term conscience is distinct from all these, and reproduces, in the maturity of the mind a fac-simile of the system of government as practised around us. The proof of this affirmation is to be met with, in observing the growth of conscience from childhood upwards, and also in examining closely its character and working generally."*

The objection which I venture to make to Mr. Bain's theory is similar in kind to the objection made to that of Dr. Whewell—that he has not carried the foundation of his theory to its ultimate principles. It is with diffidence that I comment on the writings of these eminent persons; but although I object to their theories, I derive from them support to the theory of conscience which I shall submit to consideration; for if each had carried the principle which he has assumed as that which moves conscience, to its ultimate principle, both would have arrived at my theory. Thus, if Dr. Whewell had traced back "the supreme law of man's being to which conscience is bound to conform," from the abstract terms of "benevolence, justice, truth, purity and wisdom," by which he has described it, into the concrete elements of those abstract qualities; he would have arrived at nature's moral code, which I shall attempt to shew to be the foundation of conscience. If Mr. Bain had traced back

* Bain, p. 313.

"the system of government as practised without us," which he holds to be the archetype of conscience, to the natural origin of all government and jurisprudence, he would have arrived at the same theory.

The universal conscience, I venture to think, is to be found in the natural moral laws implanted in man's mind, and written in his heart. Conscience is the reason acting as a moral sense. The laws are the media through which it acts. On this hypothesis, there is, first, the motive to an immoral action derived from the appetites; next, the law forbidding it; and, finally, the reason pointing out the law, offering moral objections, and disclosing the sanctions of the law.

Before I proceed to develope the force of this hypothesis, it is necessary to make some observations on the scope and action of conscience, applicable not only to this hypothesis, but to every theory of conscience.

It is often objected that conscience is not uniform; that in savage nations customs prevail which show that there is no uniform system of morality—cannibalism, murder of aged persons and of children, exposure of the sick, and similar barbarities. That these practices are not tolerated in civilized nations, and that they are in opposition to the natural feelings of mankind, is a proof that they are anomalous. Superstition, and the direction of public and private sentiment and opinion, by men to whom is attributed superior knowledge and

mysterious power, but really as ignorant and uncivilized as the people they mislead, account for some of these unnatural customs and practices; and for their adoption by the people, as pleasing to the fetich which they worship, as productive of its favour, and as laudable and good.

The appetites and passions are the most powerful stimulants in the constitution of man; and the demand for food is so imperious, that if not supplied, it overthrows not only every moral principle, but all natural affection. Cannibalism is, or rather was, to a large extent, if not wholly, resorted to for food; "with the additional gratification of revenge when enemies taken in battle form the feast."* The Creator has given government into the hands of men; and it is very probable that if these barbarities were permitted by the authority

* Malthus; who is of opinion that cannibalism had its origin in extreme want—*Essay on Population*, vol. i. p. 72. An instance of cannibalism from want was given in the *Times* on 2d January 1856, copied from the *Detroit, U.S., Advertiser*. The official of the United States Government, whose duty it was to visit the Indian tribes on the shore of Lake Superior, reported that the Bois Torte Indians, a tribe whose main subsistence is upon the wild rice which grows luxuriantly in that vicinity, had, through the severity of the winter, been driven to cannibalism. The winter was a peculiarly hard one; the crop of rice was cut off, and game was scarce. The tribe (the report stated) was reduced to the revolting and horrible strait of eating their own children, which they did to the extent of almost extermination. The commissioner saw and conversed with two women of the tribe, one of whom had given up two, and another three children, successively, to be slain and eaten.

of government, they were forced upon a savage people by the want of an organized system of labour, and of a constant and sufficient supply of food, by barter or trade. The two fundamental conditions of man's mundane prosperity, labour and stored food, are absent, or imperfectly established; and we cannot be surprised that the superincumbent structure is defective. In a civilized country, the overthrow of these pillars of society would immediately be followed by similar barbarities.*

It is not therefore to be inferred that these sacrifices of life were ordained as a principle of government; or that any community, however sunk and barbarous, could assent to a custom which would diminish their numbers and weaken their strength; and it is even less easy to suppose that family and social affection would not have resisted such practices as customs, although they were often violated through the pressure of want or the force of passion. Moreover, these barbarous sacrifices of life, whether they were permitted, or whether they

* Shaftesbury gives cannibalism as an instance of a custom or politic institution in opposition to nature, by which actions naturally foul and odious are repeatedly viewed with applause, and honour ascribed to them. For thus it is possible that a man, forcing himself, may eat the flesh of his enemies, not only against his stomach, but against his nature, and think it nevertheless both right and honourable; as supposing it to be of considerable service to his community, and capable of advancing the name, and spreading the terror of his nation."—*An Inquiry concerning Virtue*, book I. part iii. sec. 2.

were the result of power, could only have been occasional. They have now nearly, if not wholly, ceased in every part of the earth; for there is no tribe or community that does not perceive that the taking of innocent life is adverse to the rights, as it is opposed to the natural conscience of mankind. And if there still exist, in some parts of the world, amongst partially civilized people, habits or practices contrary to the moral law—if as in India, it is said, the natives are so prone to lying that their testimony cannot be received in the courts of justice without the greatest caution—we must not therefore infer that they are acting by force of a law of nature different from that which we acknowledge; but that their ignorance and brutality, and their overpowering self-interest, lead them to disregard moral obligation.

Slavery is another anomaly supposed to be unexplainable by any theory of conscience. It presents this dilemma, that if it is wrong, why is it tolerated and even approved by the consciences of large numbers of men; if it is right, what becomes of the axiom that men are equal, and all alike under the moral system? Conscience ought, certainly, to condemn it, because, as has been shewn, nature has laid down no law or principle for dividing mankind into masters and slaves; whilst the law "Thou shalt not steal" is as applicable to the theft of the body and labour of a man, as to the theft of a chattel; and the former is an offence higher in degree,

in proportion to the superior value of a living soul to inanimate matter.

The thousands of years during which slavery has existed, more or less, have made it appear to men accustomed to witness it, a justifiable and necessary mode of employment of human labour. It existed amongst the Jews, as we find in the books of Moses. It is described in Homer and the Greek Tragedians; the Roman law divided persons into the free and slaves. Under the name of serfdom it, until lately, existed in a mitigated form in Russia; and now in Africa, in defiance of the opposition of nations who have abandoned slavery and perceive that it is immoral, the persons of black men are stolen and transported from their native shores.

The long existence of slavery, its descent through numberless generations, its adaptation, doubtless, to the infancy of society, have hidden its immorality from the perceptions of men. The sustainment of life is the first consideration; and if men cannot provide food by their own independent labour, they must of necessity engage in labour for others who will feed them. The degree of servitude to which they will descend, is only regulated by the difficulty which they find in acting alone; and slavery is the extreme point of that system of labour which extends throughout the human race. The position of a slave is not, generally, wholly disadvantageous.

He is in close connection with the family of his master, who must, to secure his labour, feed him well enough to preserve his health. The moral objection to slavery has, therefore, been suppressed, and for a long period wholly unperceived. For reasons such as these, conscience has been long deaf to the voice of the slave. But in modern days it is otherwise. Conscience will not tolerate the slavery of a brother, and it demands his freedom. But the contest is yet unfinished between the love of money and the moral law; and the power of conscience does not entirely prevail.

It has been made an objection to conscience, that it is not always obeyed. The answer to that objection seems obvious—that if conscience were always obeyed, there would be no moral evil. But although it is not always obeyed, it may always warn; and continual action is the essential element of conscience. But the power to pervert conscience must not be overlooked. When the appetites and passions get the upper hand, sophisms are not wanting to make the worse appear the better reason; and to justify, as exceptional cases, departures from the strict letter of the moral laws. False principles, too, are set up, which, gaining currency amongst the young and the thoughtless, are raised into laws that, for a time, bind society; over which they spread with a force that the laws of morals cannot oppose. Such were the laws of honour; under which

murder in a duel affected not the conscience, but was rather applauded by society.

The power of conscience must have relation to the opinion formed of the force and certainty of the moral sanctions. A savage or uncivilized people, having no other sanctions than those derived through their faint conceptions of natural religion, cannot be powerfully affected by the action of conscience; and, probably, they are less influenced by the fear of future punishment by a moral governor, than by their practical perception that moral law must be in some degree observed and enforced, in order to preserve peace and to protect property in their communities. Their moral sentiments teach them their rights and their duties; but they trust rather to their own watchfulness of their rights, than to the moral integrity of their associates. But the power of conscience is cumulative with the increase of the power of the sanctions through religious knowledge. A Christian cannot separate the natural conscience connected with natural religion, from his conscience strengthened by the principles of Christianity; and its power over him is yet increased in proportion to the degree in which he has imported those principles into his mind, and in which he regulates his actions and conduct by the revealed will of God.

The conscience appears to me to act on three distinct media, which I shall place inversely to their moral im-

portance, in order to consider what I conceive to be the true moral conscience, last in order.

1. Our conceptions of our religious duty to God.
2. The benevolent affections implanted in the mind.
3. The natural moral laws.

1. Our conceptions of our religious duty to God.

This category of the media of the conscience is divisible into two classes. It embraces actions of the most opposite character. In the first class is religious enthusiasm, which engenders the belief that it is our duty to suppress our natural, social, and even moral feelings; and to put heretics and infidels to torture or death, for their obstinate recusancy of the true religion which we profess. The religious enthusiast brings his mind to believe that it is his duty to God to overcome all natural affection; and that this duty, being in immediate relation to God, is superior to and supersedes the moral duty to which he is subject in relation to his fellow-creatures. Tyrannicide is an action of the same character, in which the private moral duty to abstain from murder, is superseded by an imagined superior public duty to God, and to our fellow-patriots under him. These take a large class of crimes out of the category of the ordinary conscience acting on the moral laws.

The second class in this category relates to our private duty to God. Men set up in their minds a stan-

dard of religious duty; and each man, according to the standard which he adopts, and the religion which he professes, makes "a law unto himself." This enforces upon him adherence to doctrines and opinions, which he believes to be religious truth; and to support them by martyrdom. It also enforces the observance of ceremonial duties, such as abstinence from meat in certain seasons, ablutions, incenses, and various other ceremonies, which are considered as of, at least, equal importance with moral duties. There is no limit to the religious duties which a man may think it right to impose upon himself as pleasing to God, or as necessary according to his interpretation of His will; and these, when they are incorporated in the mind, as essential and indispensable religious duties, acquire all the force of laws of Holy Writ. It is not uncommon for men to impose upon themselves periodical actions of a painful kind, by way of thanksgiving for favours supposed to be granted to their prayers, or for the supposed interference of Heaven to avert an impending calamity; and these become laws to the conscience as long as the feeling which inspired them lasts.

2. The benevolent affections implanted in the mind.

The actions prompted by the benevolent affections, take a large class of actions out of the range of the ordinary conscience. That class includes all the charities, philanthropies, and amenities of life. The nature, the

range, and the peculiar action of the benevolent affections have been described. They have been distinguished, in their moral obligation, from the moral laws. It has been shewn that compliance with these suggestions is not absolutely required if circumstances are unsuitable; whereas the laws are imperious, and demand unconditional obedience.

The benevolent affections create in each individual a law unto himself. It is for each man to determine the degree and the extent in which, according to the whole circumstances of his mundane condition—his wealth, and means of acquiring wealth, on the one hand, and the number of his children, and dependents having family or social claims, which entitle them to priority of consideration, on the other hand—he can answer the calls of the benevolent affections, by relieving the wants of his fellow-creatures, and improving their social condition. That the affections are the voice of God calling us to relieve and assist our poorer and less fortunate fellow-creatures must be assumed, and that it is our duty to obey them no one can doubt. The conscience upbraids us if, having the ability to assist the distressed, we turn away from them; or if, when we have the means to do much general good, we use all our superfluity of means in increasing our luxuries. We cannot but perceive that God has given the care of the poor and simple to the wealthy and the wise; and although He has not

enforced the duty of charity by moral laws, he has implanted the affections in the mind; and each man will be accountable to God for the use he has made of the abundance which God has given to him. We know our duty, we know our own ability: we define the law for ourselves, and conscience requires us to keep it, and upbraids us if we do not do so.

3. The natural moral laws.

The two preceding categories have cleared away, and it is hoped satisfactorily separated, large classes of actions from the mass which fall under the influence of conscience as the director of moral conduct, which we may emphatically call THE CONSCIENCE. Its range extends over all the affairs of life, over all moral conduct and moral action; and what we want to find is a constantly acting principle which shall never fail to call the attention of the reason to a proposed breach of moral duty, and to warn the intending actor of the moral evil he is about to do. If the induction be accepted that the natural moral code exists in the mind of every human being, we may find in these laws a constantly acting principle which will account for all the phenomena of conscience. An example of the action of the laws will be the best explanation of the theory.

A man proposes to himself to seduce his neighbour's wife. The law, "Thou shalt not commit adultery," is immediately present to his thoughts, the immorality and

the penalty are brought by the reason into his mind, and conscience is complete. Now, prone as men are to hide the qualities of immoral actions from themselves, is it possible to suppress the rising of the moral law into the thoughts, or by any sophistry to disguise the motive and the essence of such a crime? Or, if it be proposed to steal, or by a well-contrived artifice to defraud a neighbour, to commit perjury or forgery, above all to commit murder, for gain; can there be any mental suppression of the laws which forbid these acts, or can there be any mental concealment of the motive of immoral gain? The negative form of the natural moral laws, their restriction each to one simple action, render sophistry and self-concealment impossible. However involved in circumstances, or however much the actor may try to hide the quality of his contemplated action from himself, he cannot prevent a knowledge of its real character rising in his mind. The true motive is known to him, although he may hide it from others by sophistry or artful representations; or by that incongruity of moral character which often obtains for men of crime, the doubt of some and the unshaken confidence of others.

This induction is opposed to the theory of those philosophers who think that it is the office of conscience to direct men to do what is right; but that theory is opposed to the moral system of God. The structure of the moral laws is negative; and if the moral laws have

any part in the operations of conscience, its warnings must be negative also. Conscience can only, therefore, determine affirmatively what is right, by directing us to avoid doing what is wrong. Conscience acting through the media of the benevolent affections, directs us to do benevolent actions, not because they are right actions, but because it is right that we should relieve and assist our fellow-creatures. In that category there are no actions that are wrong, because omission to follow the dictates of the affections is inaction; and inaction there constitutes the evil, whilst inaction in the moral category is abstinence from evil. Conscience in the first category acts upon creations, often superstitions, and delusions of the mind; it refers for its sanctions directly to the Supreme Power; and has little or no relation to any other human being than the individual who has imposed its authority upon himself.

Is there, it may be asked, any rule by which a man may keep himself morally right? He will always be morally right if he does not break any of the moral laws; and if he follows the dictates of the benevolent affections with sincerity. The moral duty is then performed. Conscience is satisfied, and its jurisdiction ceases. The Reason then takes up the conduct of affairs. If what are called "cases of conscience" arise, they are questions for the reason. If the question be—"Is my promise to be performed?"—the question for the conscience

to answer is, "did I make the promise; and can I refuse to acknowledge it without a lie?" It is for the reason to decide whether there are circumstances which existed at the time the promise was made, or that have arisen since, which relieve the promiser from his promise; and if, after due and careful exercise of his reason and judgment, he arrives at a sincere conviction that he is, by those circumstances, relieved from his promise, his conscience acquits him of moral guilt in declining to perform it. If, in addition to his own judgment, his conclusion is fortified by the judgment of honest and impartial men, his conscience is undisturbed by any misgivings that his judgment may have been wrong.

It may now be asked, does this theory of conscience afford a sufficient explanation of that constancy of action which is attributed to conscience, even by those who object to a separate faculty or moral sense, and give the authority of conscience to the reason; on the philosophical principle of not ascribing to two independent causes, phenomena which may be accounted for by a single cause? The moral laws perform the duties ascribed to the moral sense. From the animal appetites and passions (as has been shewn) moral evil, in all its forms, proceeds; and to restrain the immoral action of the appetites and passions is the purpose of the moral laws. The appetites and the laws are, therefore, in close

proximity. An immoral desire cannot arise without its calling the law into the mind, and disclosing to the reason that moral evil is contemplated. The universal spread of the code of natural laws throughout the human race, their comprehension of all forms of crime, their position as the ultimate principles of the criminal and civil law of society, and of all the rights and duties of mankind; and the existence of the moral sentiments in the mind corresponding with and co-operating with the laws; supply a combination of proof that leaves no room to doubt that the moral laws are the active principles of the conscience.

The action of the moral laws on the conscience is shewn by remorse. Remorse is the despair of the mind at defeat by the animal desires. It follows sooner or later all crimes. But in acts of extreme wickedness it is often instant, even arriving before the act is complete. No theorising on this visitation can give so vivid an idea of the terrible anguish it inflicts, as instances of actual occurrences. Dove, who was executed at York in August 1856, for the murder of his wife by giving her strychnia, confessed that when he saw her suffering from the poison, and whilst he was under partial intoxication, it flashed across his mind that he had given the strychnia, and that she would die; he immediately regretted what he had done, and he believed that if Mr. Morley (the surgeon) had come in at the moment, he

should have told him what he had done. "I cannot describe the anguish I felt when I returned from Mr. Morley's, and found my wife dead."*

William Beamish, executed at Warwick in 1861 for poisoning his wife and children, led to that crime by an immoral intimacy with a young woman in his service, wrote a confession addressed to the minister of the Independent Chapel which he attended. "It was my hand that did the deed; but I did repent of it as soon as done. God forgive me. To enter into the reason why I did it will do no good. Dear sir, there was no particular premeditation; but it was all done together, as if all my wickedness was contained in one deed. Oh, what nights of anguish did I suffer. I fell on the bed beside her, and would have given my life to have brought her back. My conscience was a hell of itself."†

These cases prove that it is not possible for a criminal to conceal from himself the motive of the crime; whilst they reveal, almost to our view, the law implanted in the mind, and written in the heart.

* *Times*, 12th August 1856.

† *Times*, 31st December 1861.

CHAPTER VI.

On the Support which the Induction receives from the Authority of the Bible.

"ALL true and sincere Moral Philosophy (said Bacon) is but a handmaid of religion."* I now proceed to prove the truth and sincerity of the science unfolded by the induction, by comparing it with the history and philosophy of human nature contained in the Bible.

1. In the Mosaic account of the creation, we are told that the lower animals of all kinds were created prior to man; and that God made man in his own image; that He formed him of the dust of the ground, and breathed into his nostrils the breath of life, and man became "a living soul." The induction is, that although man was made in form and constitution an animal, there was, when he was introduced into the world, a break in the plan by which life on the earth had been previously regulated. Man, endowed with reason, was, although an animal, destined to rise to a state of intellectual, social, and moral existence, unknown on the earth before.†

2. Adam and Eve were placed in Paradise, with the injunction to be fruitful and to multiply. In their

* The *De Augmentis*, book VII. chap. iii. † Part I. chap. i.

solitude, the crimes which are incident to a state of society had not arisen, and could not arise. The crime that was possible to them, was most highly improbable, viz., that one should murder the other. They were, then, certainly, in a state of innocence, free from temptation to moral evil. To test their obedience, it was necessary to provide some temptation suited to the solitude, innocence, and simplicity, in which they lived. The temptation was given through that appetite which has been shewn to be the source of the largest portion of the moral evil to which men are subject. "The woman saw that the tree was good for food, and that it was pleasant to the eyes."

3. "The eyes of them both were opened, and they knew that they were naked."

> "Innocence, that as a veil
> Had shadow'd them from knowing ill, was gone;
> Just confidence, and native righteousness,
> And honour, from about them, naked left
> To guilty shame."

This shame seems to have proceeded from a sudden consciousness that their bodies were sensual and impure, and subject to desires adverse to their spiritual and pure nature. The same sense of shame has descended to their posterity; for we, like our first parents, when we advance beyond the savage state, conceal our bodies; and, unlike brute creatures, seek seclusion and retirement when we perform the common functions of our

animal nature. What is modesty but a consciousness of impurity, of our resemblance to brutes, which must be as far as possible concealed? It is the result of our reason, which shows us that life is carried on by a system, animal and sensual, and at variance with the high and spiritual aspirations of the soul.

4. The plan of God's government developed by the induction, is in close conformity in principle, with the plan of government laid down for Adam and Eve in paradise. No compulsory law was given to them. The law to which they were subjected was a prohibitory law. "Of every tree of the garden thou mayest freely eat; but of the tree of knowledge of good and evil thou shalt not eat of it." So the natural moral laws consist of prohibitions; and, subject to obedience to them, God has given to the free agency of man, the management of all his mundane affairs, and the free pursuit of happiness according to his individual taste and inclinations.

5. The primitive institution of labour as the condition of man's existence, is proved by the fact that labour is now the basis of human society. Adam was enjoined in the garden of Eden "to dress it and to keep it;" but after his fall, the earth was cursed. Labour, impelled by hunger, has been shewn to be the basis of society, of property, of trade, and of government. But although a source of food, it is also partially a "curse;" for from the refusal to labour, from the property accumulated

through labour, and from the too eager desire to accumulate the products of labour, the largest portion of moral evil proceeds.

6. The ejection of Adam and Eve from paradise, destined to found the human race, rendered necessary a new code of laws. The simple law, which in their state of innocence and seclusion sufficed to test their obedience, was inapplicable to the new state of life, in which they and their posterity were to become the parents of children, and the founders of families; to cultivate land by labour, to store food and make it property; to enter into contracts in relation to labour and food, or property; and by intermarriages, to extend the human race, collaterally as well as lineally; to form society, and branches of society, communities, states, and nations, and to govern the same. God, therefore, provided a new code of laws applicable to the exigencies, and directed against the temptations of the new state of life. If the induction be accepted, He instilled into the human mind laws for human conduct—moral laws—which he further made acceptable and intelligible to men, by giving them moral sentiments that approved the laws to their reason and feelings; and rendered men (when not implicated by their disobedience) desirous of enforcing obedience to the laws for the sake of their own self-interest and preservation. The simple law given to Adam and Eve revealed to them "the knowledge of

good and evil." The laws of the natural code make to mankind the same revelation, by marking actions that are evil and forbidden, and thus separating them from actions which are good and permitted.

7. The moral laws developed by the induction are identical with the laws of the second table of the Decalogue,—the moral laws revealed by God at Sinai; the tenth commandment of the Decalogue being an admonition directed to the crime forbidden by the eighth commandment, or being another phase of that crime, as interpreted by our Saviour, "Thou shalt not defraud."* The identity of the laws derived by induction from the facts of nature, with the laws of Revelation, whilst it gives confirmation to the induction, also shews that Revelation is in conformity with nature and with truth. The extensive operation of these four laws, which the induction has unfolded, is truly wonderful; they form the basis of human laws, criminal, civil, and international; they regulate the duties and rights of men, and they are the moral tests by which man must guide his conduct, and govern his affairs, in every relation of life. The adaptation of laws so simple, merely negative, and so few in number, to all the intricacies of human existence and of human society, shows irresistibly that they could only have proceeded from the hand of God; for there is in them that simplicity, adaptation, and

* Mark x. 19.

design, which distinguish His works from those of men.

8. The same induction of laws of nature identical with the laws of Revelation, is in remarkable conformity with the philosophy of St. Paul. "For when the Gentiles which have not the law (of Revelation) do by nature the things contained in the law, these having not the law are a law unto themselves, which shew the work of the law written in their hearts; their conscience also bearing witness, and their thoughts meanwhile accusing, or else excusing one another."*

9. The induction which has placed the medium of the conscience in concrete laws, and not in abstract principles, is accordant with the Scripture narrative of the temptation of Adam and Eve, and with the philosophy of St. Paul. St. Paul precisely described the constitution and action of conscience as given in the induction, when he wrote of the Gentiles, "their conscience bearing witness to the law, and their thoughts accusing or excusing according to the law."†

10. The impossibility of arranging all the phenomena of responsible action under the natural moral laws, led to the distinction of actions founded on the laws, and actions founded on the benevolent affections. The former are represented as forbidden without any discretion or choice, the latter as enjoined, but discretionary; for non-com-

* Romans ii. 14, 15. † *Idem.*

pliance is excusable under various circumstances. In considering the conscience it was found necessary to place these two classes of responsible actions into separate categories. This induction from nature is accordant with the religion of Christ. Jesus distinguished between the law and the affections; and the tendency of the Christian religion is to elevate men above the law, and to stimulate them to the performance of benevolence and charity. The Saviour knew the power and the opposition of the appetites in their struggle against the impulses of the benevolent affections, when He said, "that a rich man shall hardly enter into the kingdom of heaven." His appreciation of the superiority of benevolent actions above mere observance of the negative moral laws, is strikingly shewn in the description of the last judgment, when He proclaimed for what He would judge the world. The distinction between the sheep and the goats is not founded on the law, or on moral evil, but on the performance of the charities of life, urged upon every man by the force of the benevolent affections.

11. The induction that moral evil proceeds from the natural appetites, and not from the mind or spirit, is supported in the gospels and very extensively in the epistles, where it may be noticed how uniformly St. Paul makes "law" the criterion of moral actions.

The Saviour said "Watch and pray that ye enter not

into temptation; the spirit indeed is willing but the flesh is weak."*

In St. Paul's Epistle to the Romans, chap. vii., are the following verses:—

"21. I find then a law, that, when I would do good, evil is present with me.

"22. For I delight in the law of God after the inward man:

"23. But I see another law in my members warring against the law of my mind, and bringing me into captivity to the law of sin which is in my members."

"25. So then with the mind I myself serve the law of God; but with the flesh the law of sin."

In St. Paul's Epistle to the Galatians, the spirit and the flesh as causes of good and evil are strongly contrasted; making all purity and goodness proceed from the former, and all evil from the latter.†

* Matt. xxvi. 41.

† "The phenomena of man, are, in part, subjected to the laws of the external universe. As dependent upon a bodily organization, as actuated by sensual propensities and animal wants, he belongs to matter, and, in this respect, he is the slave of necessity. But what man holds of matter does not make up his personality. They are his, not he; man is not an organism,—he is an intelligence served by organs. For in man there are tendencies,—there is a law,—which continually urge him to prove that he is more powerful than the nature by which he is surrounded and penetrated. He is conscious to himself of faculties not comprised in the chain of physical necessity, his intelligence reveals prescriptive principles of action, absolute and universal, in the Law of Duty and a liberty capable of carrying that law into effect, in opposition to

Chap. v. 16. "Walk in the spirit, and ye shall not fulfil the lust of the flesh.

"17. For the flesh lusteth against the spirit, and the spirit against the flesh; and these are contrary the one to the other, so that ye cannot do the things that ye would.

"19, 20, 21. Now the works of the flesh are manifest, which are these; adultery, fornication, uncleanness, lasciviousness, idolatry, witchcraft, hatred, variance, emulations, wrath, strife, seditions, heresies, envyings, murders, drunkenness, revellings, and such like.

"22, 23. But the fruit of the Spirit is love, joy, peace, long-suffering, gentleness, goodness, faith, meekness, temperance."

In the Epistle of St. James we find to what the temptations of man are to be attributed.

Chap. i. 12.—"Blessed is the man that endureth temptation: for when he is tried, he shall receive the crown of life, which the Lord hath promised to them that love him.

"13. Let no man say, when he is tempted, I am

the solicitations, the impulsions of his material nature. From the co-existence of these opposing forces in man there results a ceaseless struggle between physical necessity and moral liberty; in the language of Revelation, between the Flesh and the Spirit; and this struggle constitutes at once the distinctive character of humanity, and the essential condition of human development and virtue."—*Lectures on Metaphysics and Logic*, by Sir Wm. Hamilton, Bart., vol. i. p. 28.

tempted of God: for God cannot be tempted with evil, neither tempteth He any man:

"14. But every man is tempted, when he is drawn away of his own lust, and enticed."

In the same Epistle of St. James, war is traced to its origin.

Chap. iv. 1.—"From whence come wars and fightings among you? Come they not hence, even of your lusts that war in your members?"

The concentration of all evil in the love of money, is stated in the First Epistle of St. Paul to Timothy.

Chap. vi. 9.—"But they that will be rich fall into a temptation and a snare, and into many foolish and hurtful lusts, which drown men in destruction and perdition.

"10. For the love of money is the root of all evil: which while some coveted after, they have erred from the faith, and pierced themselves through with many sorrows.

"11. But thou, O man of God, flee these things; and follow after righteousness, godliness, faith, love, patience, meekness."

These extracts may fitly conclude with the Lord's Prayer, which is founded on the knowledge that from the bodily appetites springs the great danger to man; for we pray simply and solely for our daily bread, and not to be led into temptation, but to be delivered from

evil; the daily bread, and freedom from temptation, being our best security from the power of the appetites.

The ancient Epicureans cast doubt on the power and goodness of God, and even argued against the existence of a Deity and Providence, by demanding of their opponents an explanation "Why evil is permitted in the world?" The question of the Epicureans is still asked by many who do not share their doubts, nor intend it as a cavil. Notwithstanding the distinct revelation of the causes of moral evil which have just been quoted from the Holy Scriptures, it is still represented as a great mystery, and its causes as hidden from the sight of men. I cannot think that, in representing evil as an impenetrable mystery, we honour God, or justify His ways to men. Revelation is clear and distinct as to the human causes of moral evil, and Nature, when examined, supports Revelation.

Philosophers have placed amongst physical evil, "bodily pain, diseases, old age, and death;" although all these are acknowledged by our reason to be necessary parts of a system of existence, in which the continuance of life is uncertain; and which, therefore, obviously requires variable health, temporary as well as prolonged decay, and the cessation of life through the extinction of the bodily powers, at different periods of age. So moral evil is considered as depending upon the mind, and not only as existing in the present world,

but as extending into the existence of a future state; although the Scriptures attribute it wholly to the flesh, and not to the Spirit; and our Saviour, when he told the Sadducee that "in the resurrection they neither marry nor are given in marriage, but are as the angels of God in heaven," leaves to us the necessary inference, that by death men are so changed, that their celestial bodies will not be of that structure, nor contain those desires, which, in their terrestrial bodies, make marriage requisite.

If the induction be admitted, and if we give to Revelation its due weight, the question of the Epicureans may be advanced from a general to a specific question. We may ask, "Why did God make man with such appetites and passions, and place him under such conditions with regard to their gratification as to render him prone to disobey the laws which God made to curb the appetites; and to restrain indulgence of them within the bounds of moderation?" The only answer that can be given by a devout man is, "that God willed it so."

But the question may be put in another form—"Why did God found his plan of the terrestrial existence of the human race, by giving new purposes to those appetites which, in brutes, have for ages remained unprogressive?" If the appetites are the sources of evil, they are (as has been shewn) the bases of all the institutions, and of much of the happiness of human

society; if they are powerful and highly stimulative, they are necessarily so, as being the sources of life, and of the sustentation of life—if man is under the restraint of laws, they are few in number, simple both in subject and form, not possible to be misapprehended; and they have no other object than to restrain actions which, if allowed, would render society impossible. Whilst they restrain, they protect; and the morality they enjoin is simply that men shall not destroy, nor injure one another. Subject to these laws, God has permitted man to manage the affairs of life as a free agent, and he enjoys a large range for the employment of his mental and physical power; although, doubtless, under the general superintendence of God. There is nothing oppressive, or even, under judicious management of our worldly affairs, difficult, in obedience to the laws; and if we do obey them, and if, in addition, we follow the dictates of the benevolent affections, by doing all the good in our power to our fellow-creatures, and also fear, love, and worship God, we perform the whole duty that Morality requires from us.

> "Let us hear the conclusion of the whole matter:
> Fear God and keep his commandments;
> For this is the whole duty of man:
> For God shall bring every work into judgment,
> With every secret thing, whether it be good or whether it be evil." ECCLESIASTES.

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